

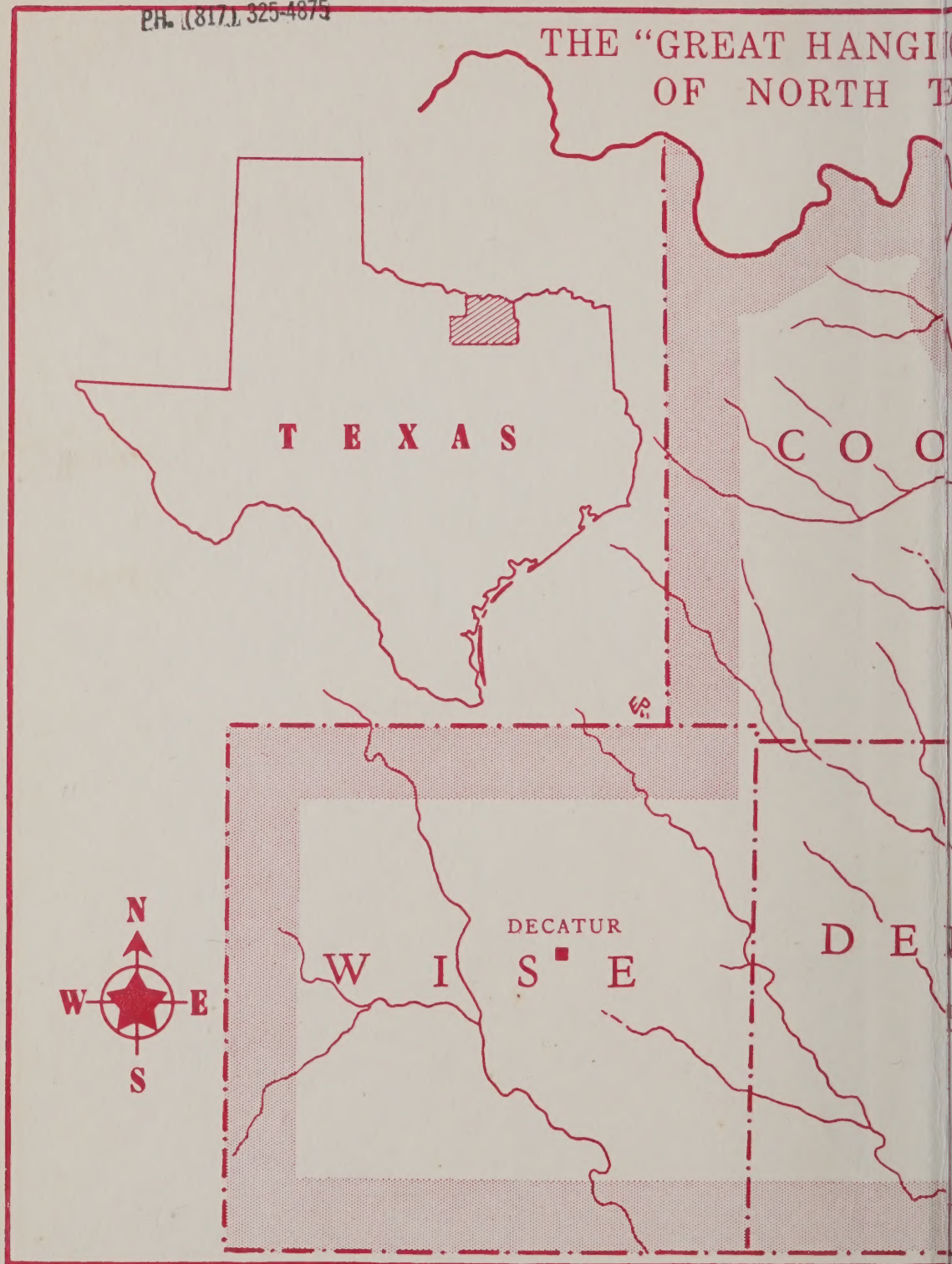
GEORGE WASHINGTON DIAMOND'S  
ACCOUNT OF  
THE GREAT HANGING  
AT GAINESVILLE, 1862

EDITED BY  
SAM ACHESON  
AND  
JULIA ANN HUDSON O'CONNELL

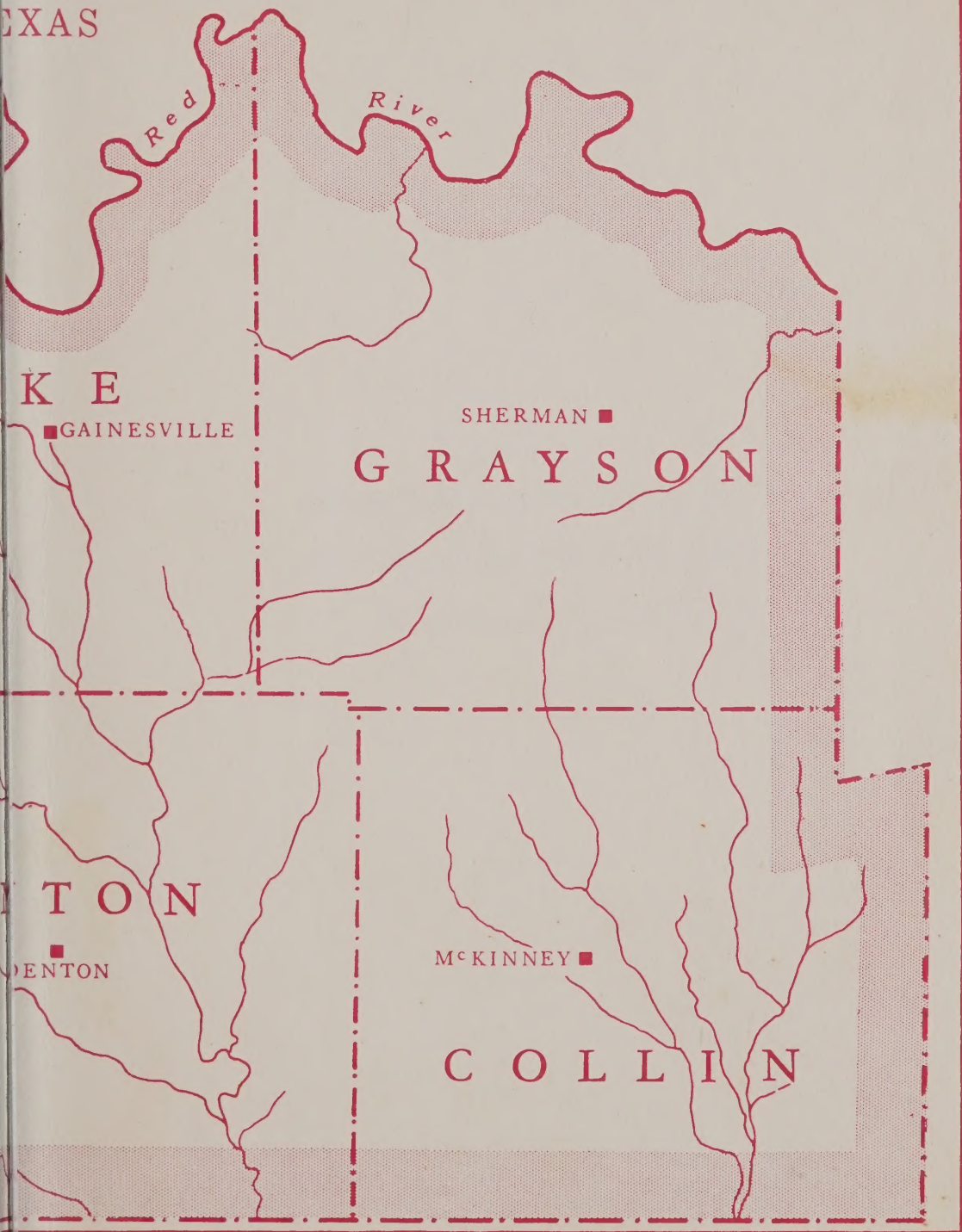


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# THE "GREAT HANGING" OF NORTH TEXAS



G" AREA  
EXAS



K E  
■ GAINESVILLE

SHERMAN ■

G R A Y S O N

T O N  
■  
DENTON

MCKINNEY ■

C O L L I N





*George Washington Diamond's  
Account of the Great Hanging  
at Gainesville, 1862*



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*George W. Eanes*  
GEORGE W. EANES

*page 38 THOMAS BARRET*  
*is MY GRATE GRAND FATHER*

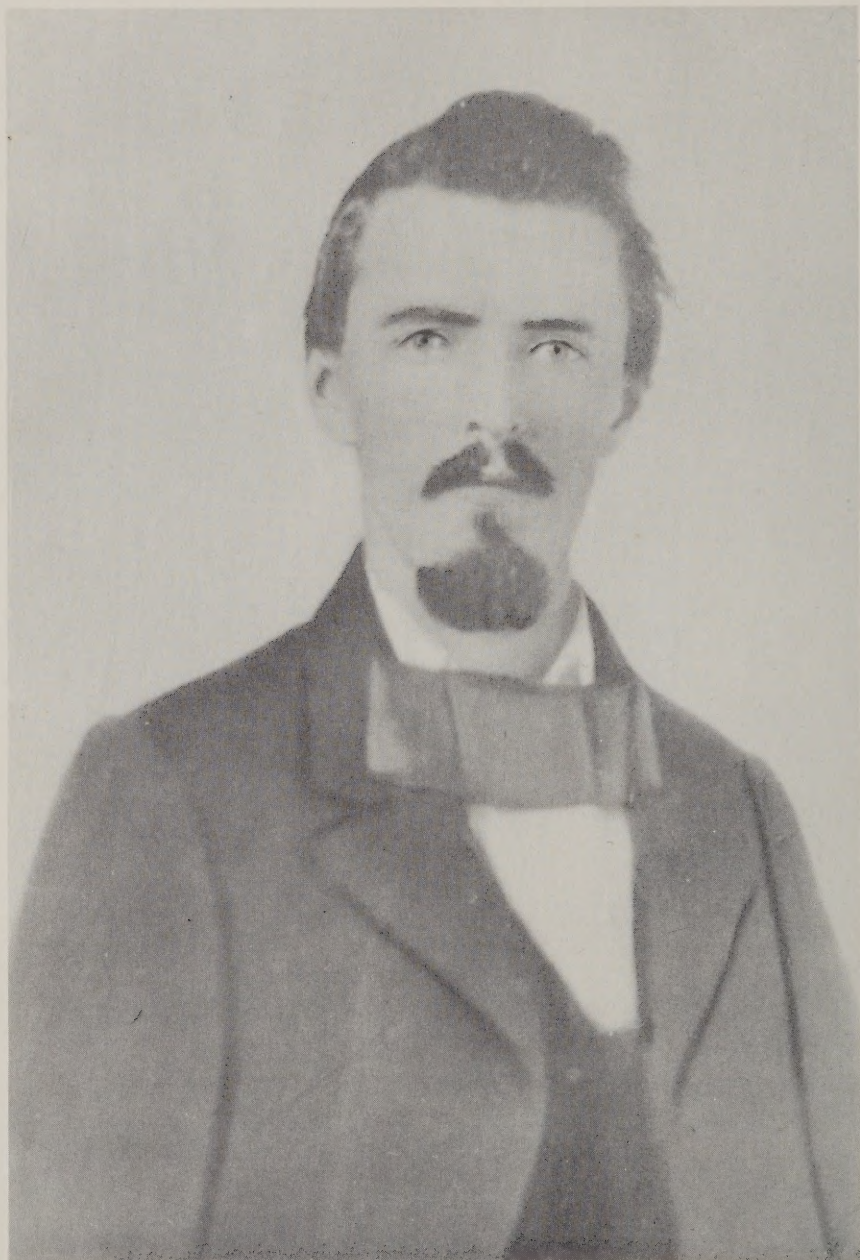
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A PUBLICATION OF  
THE TEXAS STATE HISTORICAL ASSOCIATION

Printed in the United States of America  
Austin, 1963  
The Texas State Historical Association







GEORGE WASHINGTON DIAMOND  
(1835-1911)

*George Washington Diamond's  
Account of the Great Hanging  
at Gainesville, 1862*

EDITED BY

SAM ACHESON

AND

JULIE ANN HUDSON O'CONNELL

Austin, Texas

THE TEXAS STATE HISTORICAL ASSOCIATION

1963





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## Foreword\*

A UNIONIST "PEACE PARTY PLOT" aimed at revolt against the Confederate government in Texas was discovered in September, 1862, in the North Texas area including Cooke, Grayson, Wise, Denton, and Collin counties. Prompt action by local authorities broke up the organization in October, 1862. Following a declaration of martial law in Cooke County, a "Citizens Court," or jury, of twelve men composed of army officers and civilians was formed at Gainesville. It found thirty-nine of the participants guilty and sentenced them to be hanged for conspiracy and insurrection. Three other prisoners who were members of military units were permitted trial by court martial as they requested and were subsequently hanged by its order.

Since that time the only reliable and lengthy account of the awesome event has been the one written by a member of the jury, Thomas Barrett, *The Great Hanging at Gainesville, Cooke County, Texas, October, A. D. 1862* (Gainesville, 1885). An extremely rare item of Texana, it was reprinted in 1961 by the Texas State Historical Association.

Soon after the "Great Hanging," George Washington Diamond, a newspaper editor and publisher of Henderson, who had joined the Confederate Army, took leave from his regiment, the 3rd Texas Cavalry, to visit in Cooke County where his brother, James J. Diamond, lieutenant colonel of the 11th Texas Cavalry, had assisted in the discovery of the conspiracy. George W. Diamond was asked by his brother and other members of the Gainesville court to write a full account of the "Peace Party Plot" and the trials of the conspirators. The original records of the court were turned over to him to be used as the basis of his chronicle. Shortly after the end of the Civil War, he began this account, the final draft

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\*The editors wish to express their appreciation for the assistance and counsel in editing the manuscript of members of the Diamond family and of H. Bailey Carroll. They also wish to thank Kathryn S. Hughes and Ruth Harris of Dallas for transcribing the manuscript for publication. Full responsibility for all decisions and interpretations of textual matters in the editing is assumed by the editors. The author's sentence structure and punctuation have been carefully preserved.

of which was completed, as internal evidence indicates, sometime between February 1, 1874, and December 20, 1876. Diamond was then living at Whitesboro, Grayson County, where he died in 1911.

Since Diamond's death, the unpublished manuscript in his handwriting has remained in the custody of his heirs. Its existence was made known recently by a granddaughter, Mrs. Harry Harlan of Dallas. Because of the author's intent expressed in the manuscript to lay his compilation before the bar of history, Mr. and Mrs. Harlan have allowed the work to be edited for publication. By reason of its generous detail, it is a valuable complementary piece to the Barrett account.

Behind the Great Hanging at Gainesville lies a sequence of events and movements—local, state, and in the broadest sphere of the nation itself—that bear significantly upon its occurrence. They were the same developments that had led already to the secession of Texas and other Southern states, the formation of the Confederacy, and the outbreak of war between North and South.

As early as the annexation of Texas to the Union in 1845, the state and its people had become embroiled directly in the bitter intersectional disputes then raging over the question of slavery. But it was not until the late 1850's that the area of North Texas in which Gainesville and Cooke County lay became a battleground in the preliminaries to armed conflict. The reason for this delay is indicated largely by the character and background of most of its inhabitants at the time.

The settlers in this isolated, frontier region of Texas were mainly small farmers and mechanics, most of them drawn from Kentucky, Illinois, Indiana, Tennessee, Missouri, and other border states by the lure of free land to Texas. Few of them owned any Negro slaves. Most were indifferent, or even opposed, to the institution of slavery. Cooke County was only one of some ten or eleven contiguous counties settled in whole or in part by persons with the same general background. The counties comprised what had long been known as the Forks of the Trinity (River) area. Measuring roughly one hundred miles square, it extended southward from the Red River to a line below the cities of Dallas and Fort Worth. There was also settled within it a small but

forceful minority with differing background and outlook. These persons had come chiefly from the longer settled areas of eastern Texas or from states in the Deep South. They tended to prefer land in the rich bottoms of the main river courses rather than in the open prairie country. Their farms were basically cotton plantations. This minority group owned almost all of the Negro slaves introduced into the area, and it was as strongly pro-Southern in sentiment as any group of Mississippi or Georgia cotton planters.

Viewed nationally, it was obvious that the opening of the Territory of Kansas to white settlement in the 1850's had produced a bloodstained rehearsal of civil war itself. Reverberations of that struggle between Free-Soil partisans and Abolitionists on the one hand and pro-slavery, extreme state's rights men on the other were felt sharply in North Texas. The people in the northernmost counties of Cooke, Montague, Grayson, and Fannin were closer, in fact, to the bleeding ground of Kansas than to their own state capital at Austin. Little more than two hundred miles of Indian Territory, present Oklahoma, separated them from the fratricidal strife to the north.

Reflections in North Texas of the troubles in Kansas were confined at first to nonviolent contests for the minds of inhabitants. The principal threat, in the eyes of the pro-Southern extremists, was found in the Abolitionist evangels from beyond the state. Most of these were itinerant preachers of various denominations who urged an end to slavery on moral or religious grounds. Ministers of the Methodist Episcopal Church, by then referred to as the Northern Methodist Church, were especially suspect. The northern counties of Texas also were the only part of the state in which this parent branch of American Methodism insisted upon maintaining a conference, or organization of local churches, in the face of objections from the younger Methodist Episcopal Church, South.

The contest on a statewide scale between pro-slavery extremists and die-hard Unionists in Texas remained primarily political as expressed at the ballot box. But it reached a new high in 1859 when Sam Houston as the champion of Union and the Constitution defeated Hardin R. Runnels' bid for a second term as governor. Houston had no more solid support than in the North Texas counties, whose people felt that his victory at the polls



largely had settled the question of Texas taking part in any rift of the Union.

But pro-slavery leaders in the North Texas area by that time felt goaded to register their sentiments outside the polling booths. In April of 1859 the annual conference of the Northern Methodist Church embracing northern Texas met on Brushy Creek in Fannin County. A mass meeting held simultaneously in the county seat of Bonham denounced the conference. Several hundred members then proceeded by horseback the five miles to the conference meeting. There the mob forced the Reverend Anthony Bewley, chief minister on the Texas mission, and other delegates including the presiding bishop, to disperse. The churchmen were warned that blood would flow if they continued their ministry in Texas. The temper of the pro-slavery men was inflamed further the same year when John Brown staged his raid on Harper's Ferry in Virginia some months later.

It was the presidential contest of 1860, though, that hastened a showdown in the long intersectional dispute. The ill-fated Democratic National Convention, meeting at Charleston that spring, split hopelessly over the selection of national standard bearers, thus opening the way to victory for nominees of the recently formed Republican Party. The Republican nomination of Abraham Lincoln for president was taken as a direct challenge to Southern secessionists, a turn viewed with the gravest concern by pro-Southern leaders in North Texas.

In the interval between Lincoln's nomination and his election in November, 1860, public opinion in North Texas was greatly agitated by an unexplained civil commotion. Early in the afternoon of Sunday, July 8, a series of fires broke out at almost the same moment in Dallas, Denton, Pilot Point, Waxahachie, Kaufman, and several other towns in North Texas. No one knew, or would admit, who started the blazes. The economic loss, particularly in Dallas where the fire got beyond control, was heavy.

Although Governor Houston minimized the importance of the fires, pro-Southern leaders of the area pointed to them as part of a projected slave uprising planned and fostered, it was charged, by Abolitionist preachers. At Dallas a vigilante committee of fifty-two tried and hanged three Negro slaves accused of complicity. At Fort Worth, another mob captured and hanged

the Reverend Anthony Bewley, following discovery of a letter purporting to link the presiding elder of the Northern Methodist Church with a secret order, referred to as the Red Circle. The order was said to be dedicated to the extinction of Texas slave owners and their followers.

Lincoln's election in November led to demands for immediate secession in Texas and other Southern states, but the firm Unionist stand by Governor Houston delayed the issue from coming to a head in Texas until February 23, 1861. On that date, a statewide referendum was held on an ordinance adopted by the state secession convention at Austin to sever the union of Texas with the United States. James J. Diamond was one of Cooke County's three delegates to that convention. He also was named a member of the convention's Committee of Public Safety which, during a six-weeks' recess of the convention, became in effect the revolutionary government of Texas. Through its agents and armed forces, it compelled the surrender of all United States troops and forts in the state even before the statewide vote on secession was taken.

Although Texas as a whole voted for secession by a margin of 46,129 to 14,697 ballots, nineteen of the 122 organized counties cast majorities against it. Eight of these opposing counties were in North Texas, including Cooke County, which voted 221 to 137 against withdrawing from the Union. Grayson, Collin, Montague, Fannin, Wise, Jack, and Lamar counties also rejected the ordinance of secession. But Dallas, where the worst of the fires of the previous year had occurred, voted by a margin of 741 to 237 votes for secession. Tarrant County, in which Bewley had been executed at Fort Worth, followed the lead of Dallas by a vote of 462 to 127.

In spite of this split among the counties in the Forks of the Trinity area, public opinion appeared to be unified there in support of the Confederacy, once the two sections of the nation were plunged into war. Notwithstanding the heavy registration of opposition to secession in Cooke and adjoining counties, most of the men of fighting age rallied to the armed defense of their state and the Confederacy. Many of those who had been most pronounced against secession took up arms against the Union.

After the firing upon Fort Sumter in April, 1861, the state government at Austin moved to put Texas on a war footing. In

May, Colonel William C. Young, a veteran of the Mexican War and a Cooke County planter living in the Sivil's Bend area along the Red River, was ordered to raise a regiment of 1,000 men from ten North Texas counties, including Cooke, Grayson, Collin, and Denton counties. Designated for the protection of the northern border, Young's 11th Texas Cavalry moved shortly into the Indian country to capture the United States outposts of Forts Washita, Cobb, and Arbuckle, thus becoming the occupying force that held the area between Kansas and Texas.

By December, 1861, the Texas legislature passed a general act providing for the internal security of the state. Thirty-three brigade districts were created by the act. District Number 1 comprised Cooke, Montague, Wise, Denton, Jack, and thirteen other north and northwestern counties, with headquarters at Gainesville. As commanding officer of the district, William Hudson, a forty-year-old native of South Carolina and a longtime resident in Cooke County, was appointed brigadier general.

It is significant that although Confederate state authorities took for granted that North Texans were united in loyalty to the new government, the military units raised in the area were officered primarily by those with long-held Southern sentiments. This policy extended from the commanding general at Gainesville through the companies raised in each county. Thus in and from Cooke County were such undoubted Southern spokesmen as Hudson, William C. Young, James J. Diamond, James G. Bourland, the aging Daniel Montague's son-in-law, William C. Twitty, and others equally reliable in strategic command of military units in the area.

It is against this background of events and movements that the "Peace Party Plot" was discovered and acted upon in the fall of 1862. In writing his account of the Great Hanging, George W. Diamond sought to justify the establishment of the court and the severity of its judgments. In his mind, as in those of members of the court who aided him in the preparation of his narrative, the "Citizens Court" was not an extra-legal vigilante group, or mob, but an orderly constituted body which acted with regard for due process of law in carrying out its frightful duty. In this, the Diamond account differs markedly in tenor from the account written some ten years later by Thomas Barrett, with which the reader may compare it profitably.



## INTRODUCTION

In introducing the following pages to those who may wish to read them, the writer<sup>1</sup> deems some explanations necessary in order that the stirring scenes therein detailed may be properly understood and the design of their publication appreciated by an unbiased, discriminating public.

Immediately after the adjournment of the "Citizens Court," and after the return of the writer then on leave of absence from the army, [he] was placed in possession of all the records of the tribunal whose judgments and verdict had sent more souls to eternity in a shorter period of time than ever known before to modern civilization. Before the adjournment of the court, a committee was appointed by it to take charge of these records, for

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<sup>1</sup>George Washington Diamond, newspaper editor, lawyer, and author of this document, was born to James and Nancy Diamond in De Kalb County, Georgia, on December 26, 1835. After his graduation in 1857 from Albany University (presently New York University), with a law degree, he followed five brothers to Texas. They were James J. Diamond, John R. Diamond, and William W. Diamond, who settled in Grayson and Cooke counties and Greene Diamond and Eli Franklyn Diamond, who lived in other parts of the state. George W. Diamond located first in Rusk County, where he became a partner in the publication of the *Henderson Times*, previously the *East Texas Times*.

At the outbreak of the Civil War, George W. Diamond sold his interest in the newspaper at Henderson and joined Captain R. H. Cumby's Company B, 3rd Texas Cavalry Regiment, as a private on May 7, 1861. He saw service in the initial phases of the war in Missouri under General Ben McCulloch. On leave from his unit late in 1862, he visited his brother James J. Diamond in Cooke County shortly after the events described in this narrative. Garland Roscoe Farmer, *The Realm of Rusk County* (Henderson, 1951), 50, 130.

Subsequently, George W. Diamond was transferred to the 11th Texas Cavalry, of which his brother James J. Diamond was colonel. In the spring of 1863 he raised a cavalry company on the lower Brazos River and served as a captain in Terrell's Texas Cavalry Regiment. He fought with this unit in the battles of Mansfield and Pleasant Hill, Louisiana, on April 8-9, 1864, in which Confederate forces turned back Major General Nathaniel P. Banks' Red River campaign, the last Union attempt to invade Texas.

Returning to Henderson at the end of hostilities, George W. Diamond was elected state representative from the district embracing Rusk County in the 11th Texas Legislature. Because of the military reconstruction of Texas, this body was not permitted to convene until 1870. Meanwhile, George W. Diamond moved with his family to Whitesboro, Grayson County, where he continued to make his home until his death on June 24, 1911. He practiced law in the county seat of Sherman during Reconstruction, held several public offices in the county, and was a member of the staff of the *Whitesboro News*.

the purpose of preserving them and so disposing of them that the history of its transactions might be perpetuated and justice done to those who participated in its deliberations.

The writer, at the urgent solicitations of this committee, compiled the following memoranda from those records; and in obedience to the request of the "Court," there expressed, they are now<sup>2</sup> offered to the public as a just vindication of the conduct of those whose acts have been the subject of unjust criticism from one end of this broad land to the other.

After arranging those records in the form in which they are here submitted, the committee assembled all the members of the court, and after a careful reading and examination gave them their unanimous and unqualified approval. It was left discretionary with the writer as to the proper time for their publication.

During the war it was not regarded wise or proper to further inflame the minds of a people already swayed by the passions and prejudices, incident to a gigantic, internecine struggle for sectional supremacy by the publication of a work calculated to further impress them with the wrongs and injustices which they conceived had been inflicted upon them. And the publication being to some extent political in its character, it has not been deemed prudent or politic to circulate it among a people engaged in a mutual struggle to heal the wounds and quiet the passions engendered by a long and bloody war.

But now since peace and quiet has been restored, all the states having resumed their constitutional relations to the genl. govt., and the people all united again as in a common brotherhood pledged to a faithful allegiance to the national flag, the publication of these pages may be regarded as a duty this writer owes to unwritten history to offer them to the future important historians of this country north and south, who may deal with the facts

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<sup>2</sup>In spite of Diamond's expectation of early publication, his compilation of "memoranda" was not committed to print during his lifetime, or later. It may be presumed that the state of local public feeling in the decades immediately following the end of the Civil War did not encourage it. The reception of another account, published in 1885 by the Reverend Thomas Barrett, a member of the "Citizens Court," may have been part of the deterrent. Thomas Barrett, *The Great Hanging at Gainesville, Cooke County, Texas A. D. 1862* (Gainesville, 1885; reprint, Austin, 1961).

Since the author's death more than half a century ago, his manuscript has been preserved by members of his family, who feel that it should be made available at last in print to "an unbiased, discriminating public."

contained in them upon a broader and more comprehensive scale, submitting them to a wider and more universal circulation for the opinion and candid judgment of Mankind.

The only merit the writer claims for his work is its *unvarnished truth*. It only contains the *actual proceedings* of the "Court," with the letters, confessions, speeches and military operations of those engaged & essentially connected with it, without any attempt on the part of the writer to warp the text to suit his own taste or to attract the reader.

It being a truthful statement of all the circumstances connected with the exciting scenes enacted on that bloody theatre, the writer appeals to those who may differ with him in opinion, as well as those whose friends or relatives may have died upon that fatal limb, if it is anything but justice to them that the whole truth should be published so that, as before stated, an impartial public might correctly judge between the right and the wrong. Hundreds yet live to attest the truth of what is herein detailed; and being thus fortified, the writer challenges denial or evasion on the part of any one who may desire to question any important or material statement herein contained.

Those who participated in the events of that period believed then, and believe yet, that under all the circumstances they did but their duty to themselves and their families. None regretted the necessity of their action more than themselves; and having herein made known to the world all the facts which governed them in the discharge of their solemn duty, they rest their case and will patiently abide the decision of a generous public.





## ORIGIN OF THE ORDER

Early in the year 1858, after the organization and establishment of the "Overland Mail"<sup>3</sup> through Texas, people of every shade of opinion and men guilty of every species of crime began to pour into the State from all quarters of the globe.

This magnificent enterprise that reached "from the rivers to the ends of the earth" entered the State in Grayson County on the north and passed beyond her western boundary at El Paso. With St. Louis as the great north-western depôt, immigration teamed into Northern Texas by this line to an extent hitherto unknown. So rapid was this influx of a heterogeneous population that in a short time the character of the citizenship in Cooke and Grayson counties was materially changed. Until that time this section was thinly settled, with a quiet, hardy, industrious population which had not been excited and disturbed by political divisions and discussions. This sudden and rushing tide caused alarm among the older inhabitants; not because they did not desire immigration; but because the actions and conduct of so many strangers in their midst created suspicions and fears that the interests of the old class would not harmonize with the new.

This increasing volume of immigration continued until the question of secession became open for discussion and after the people, with great unanimity, pronounced for the right of secession, immigration in a great measure ceased. And finally, upon the suspension of the Overland, and the withdrawal of the coaches and stock belonging to the Company, many of those who had

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<sup>3</sup>John Butterfield's Southern Overland Mail Route between St. Louis, Missouri, and San Francisco, California, began operation on September 15, 1858. It continued as a contract mail, express, and passenger stage line operating across Northern Texas until March 1, 1861. It entered Texas by way of Colbert's Ferry on the Red River eight miles east of Preston Bend. It ran fifteen miles south to Sherman, thence fifteen miles west to its next relay point, Diamond's Station (the homeplace of John R. Diamond, one mile west of present-day Whitesboro, Grayson County). Its third relay point was Gainesville, seventeen miles to the west in Cooke County, from whence it continued by way of Jacksboro, present-day Graham, and other points in West Texas to El Paso and on to the Pacific coast. Rupert N. Richardson, "Some Details of the Southern Overland Mail," *Southwestern Historical Quarterly*, XXIX, 1-18.

come to Texas under its auspices returned to the North, taking with them their property and families.

But many of those who remained seemed to be restless and adventurous in their dispositions, manifesting an unfriendly spirit toward the older settlers. This produced its natural result, and in a short time mutual distrust and dislike, criminations and recriminations characterized the intercourse between the two parties. And it may be truly said also that many who had resided for several years in this section of the state, from the South as well as the North, espoused the cause of theft, rapine and murder, and became leaders and helpers in their wicked crusade against the peace, the property and the lives of good citizens.

It would, therefore, be unjust as well as untrue, in fact, to charge the crimes of the order to the population of any one section of the country. The political sentiments of the immigrant from the North, no doubt, had much to do in stimulating and urging forward the daring and impulsive desperado from the South. The bold denunciation of the act of secession by the Northern immigrants, also by a small class of the Southern people, was the foundation upon which unscrupulous men bent on ruin and plunder based their criminal conduct.

They used this political sentiment, openly advocated, as a pretext for their movements, and instead of entertaining a moment's thought or care for the "Union," or its perpetuity, they rejoiced that the general disturbance and confusion had given them an opportunity to gratify their revenge against a neighbor and sordid lust for plunder.

These two classes readily formed an alliance, offensive and defensive and, as the sequel will show, began a regular system of robbery, rapine and murder unparalleled in the history of this country. It is no good or sound argument to say that they only killed a few men in the course of their proceedings, and that, therefore, the punishment of their crimes was too severe, too summary in character and too extensive.

It may be answered by the confessions of many of them as their dying declarations that they intended to kill *all* the people in this section, and when the Northern army came in, they would be quieted in their titles to the homesteads of those killed and driven from the state.

They expected this result as the legitimate tendency of their zealous cooperation and harmonious action with the invading armies of the North which, they supposed, would reward their fidelity to the flag of the nation by a system of confiscation and agrarianism, which too often, as history shows, attends the triumphs of the conquer[or] over the conquered. Their own voluntary confessions prove this beyond dispute.

Many of those engaged and belonging to the "Order,"<sup>4</sup> some tried and found guilty, some acquitted, and others who fled the country, came from the State of Kansas, where but a few years before no doubt they had been engaged in the domestic troubles of that Territory. And it appears from their operations in Texas that they designed in the outset to form a nucleus around which might gather from all sources and all parties a body of sufficient power and influence to produce a like degree of domestic violence in the section which had but recently given way to legitimate and organized government in that state.

Many who participated in the operation of the "Order," and nearly all the leaders, came to the section but a few years or months previous to the organization; and though coming from different quarters, there appeared to exist a congenial sentiment between them from their first acquaintance, which finally resulted in a combined movement for the accomplishment of the objects hereafter detailed.

And but for the prompt and decisive action of the people in thwarting their design, it may reasonably be supposed that the scenes of Kansas would have been reenacted on Texas soil. The people of this section viewed with great alarm the dangerous tendency of a concentration of this class of citizenship in their midst, and very wisely determined to adopt the necessary measures to avert the mischief designed to be inflicted upon them.

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<sup>4</sup>The group of Union sympathizers in Cooke and other North Texas counties, banded together in behalf of the restoration of the Federal Union, are referred to variously by Diamond as the "Order," "Organization," and "Institution." This Yankee underground, or resistance group, may have been an outgrowth, in part, of the secret Abolitionist group active in North Texas in 1858-1860.

## EFFECTS UPON THE PEOPLE

In pursuance of a general understanding to watch their movements, nothing was said or done on either side to disturb quiet and peaceable relations between the two parties. The "Order" had committed no acts of violence, or made any demonstrations indicating its objects, aims & future policy of its operations. Thus matters rested, each party watching and suspicious of the other, until the final disruption of the Union and war had become a reality.

Many of the states had seceded from the General Government and declared themselves free and sovereign in their own right. And it will be remembered by Texans that after many of the states had passed ordinances of Secession, and secession had become a fixed fact, Texas, through her delegates in Convention assembled, submitted a like ordinance for the ratification by the people of the state;<sup>5</sup> and that simultaneously with the discussion upon the subject, and before the day selected for the vote on the ordinance, a proposition emanated from some of the North Western counties, through a Sherman newspaper<sup>6</sup> strongly favor-

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<sup>5</sup>The Secession Convention of Texas met in Austin on January 28, 1861, and two days later submitted an ordinance to repeal the annexation ordinance of 1845 for approval or rejection by the voters of Texas. The statewide election was set for February 23, 1861, the ordinance to become effective on March 2, if the referendum was favorable to it. E. W. Winkler (ed.), *Journal of the Secession Convention of Texas, 1861* (Austin, 1912).

<sup>6</sup>The *Sherman Patriot* was the principal Whig newspaper in North Texas during the 1850's, with the exception of Charles DeMorse's *Northern Standard* at Clarks-ville. It strongly opposed the secession of Texas. Graham Landrum, *Grayson County, An Illustrated History of Grayson County, Texas* (Fort Worth, 1960), 24-25.

No copy of any detailed "proposition" to organize a separate state in North Texas is extant, although such action was foreshadowed in a document dated January 15, 1861, at Austin on the eve of the Secession Convention of Texas. Said to have been issued from "the Unionist ring at Austin," that document was widely circulated in Collin and other North Texas counties and published in the *Southern Intelligencer* (Austin), January 31, 1861. It served notice that if the then approaching state convention should disregard "the wishes of the Conservative Union men of the State of Texas, and especially the Northern portion of the state," by declaring the State of Texas out of the Union "without submitting their action to the people of Texas for ratification at the ballot box," Union men were resolved "as a *dernier resort* to make an effort to unite a sufficient number of the northern counties into a state, and make application at the proper time for



ing, and earnestly recommending the organization of a new state. This scheme seems to have been the result of mature reflection and calm deliberations, as the meets [*sic*] and bounds of the new state were properly & systematically designated, embracing quite a respectable portion of the state.

The paper in which this proposition had its practical origin was published by one Capt. Foster,<sup>7</sup> who was notorious for his hostility to the Southern people, and who was afterwards killed by some unknown persons in the streets of Sherman.

From whence this proposition originally came, it is not deemed necessary to inquire. If the project was ever entertained in good faith by any good men, it certainly was a most unfortunate stroke of policy at that particular time and particular locality chosen for the accomplishment of such a purpose. The scheme was a bold one, openly advocated and seriously recommended to the confidence and support of the people.

No doubt its advocates at that particular time resorted to it to attract the attention of the people from the important question then pending—the adoption of the ordinance of Secession—and by not committing themselves to the policy of secession and resistance to the General Government, they would more readily command the aid of that government in their scheme to cut themselves loose and establish their new state by violence and the bayonet, as was done in the case of West Virginia.

It certainly did accomplish much in the way of neutralizing and allaying the enthusiasm in favor of secession, though it signally failed to effect the general result. It will be remembered, however, that in this portion of the state, which has been the

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admission to the Union." Claude Elliott, "Union Sentiment in Texas, 1861-1865," *Southwestern Historical Quarterly*, L, 449; J. Lee and Lillian J. Stambaugh, *A History of Collin County, Texas* (Austin, 1958), 62.

As noted, the convention at Austin did submit the secession ordinance to a vote of the people of Texas. The "proposition" referred to by Diamond was outlined subsequently with specific demarcation of proposed boundaries ("meets, and bounds").

<sup>7</sup>E. Junius Foster, editor of the *Sherman Patriot*, was shot and killed in October, 1862, at the doorstep of his print shop in Sherman, following publication in his newspaper of comments approving the assassination of Colonel William C. Young, a principal in the organization of the "Citizens Court" in Gainesville. A number of years later the colonel's son, James D. Young, made confession in court that he shot Foster after the editor's refusal to retract comment on the elder Young's death. Landrum, *Grayson County, An Illustrated History of Grayson County, Texas*, 65.

theatre of violence and general civil disturbances, the vote on the ordinance of Secession was largely in favor of the Union.<sup>8</sup>

There were men at the head of this scheme, bold intelligent and ambitious; but the adventure, like that of Aaron Burr, failing in its incipiency, it will probably never be known who matured the plan, nor what was the full scope and extent of the original design.

The operations of Burr on Blennerhassett Island, though insignificant in themselves and carried forward by only a handful of adventurers, were, however, the result of a magnificent plan, recognized by the Government in which he had held the highest office but one as the stepping stone to Empire.

The evidence elicited on the trial of Burr in the U. S. Supreme Court, for treason, discloses simply an intention on the part of Burr to revolutionize the sentiment of the people of the West, win them from their allegiance and establish and organize a separate government of which he should be the acknowledged head. Parties to a similar undertaking in Texas did not even receive public denunciation, but were allowed to assert and promulgate their treasonable doctrines with the greatest impunity. This bold dash in defiance of the Constitution and laws of the state gave the enemies of peace and good government in this section fresh courage, and with this moral weight in their favor, their operations were pushed forward with renewed energies.

The prospects of the "Order" were evidently in the ascendent until the final adoption of the Ordinance of Secession. This seemed to strike a fatal blow at the very root of their enterprise. The almost unparalleled unanimity of the people of the State in favor of disunion, and the enthusiasm manifested throughout the country in view of the establishment of a Southern Confederacy, caused a general panic and disquietude among them. Many of the Union men began to remove northward, and finally, under the proclamation of President Davis extending to such

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<sup>8</sup>The statewide vote, based on returns reported by 122 counties, was 46,129 for secession; 14,697 against. Nineteen of these counties reported majority votes against withdrawing from the Union, eight of which were in North Texas: Collin, 948 against, 405 for; Cooke, 221 against, 137 for; Fannin, 656 against, 471 for; Grayson, 901 against, 463 for; Jack, 76 against, 14 for; Lamar, 663 against, 553 for; Montague, 86 against, 50 for; Wise, 78 against, 76 for. Winkler, *Journal of the Secession Convention of Texas, 1861*, p. 88.

the privilege of removing beyond the limits of the Confederacy, a great number returned to the United States.

Deprived of this great moral support, the members of the "Order" thought best to defer active operations, and those who remained were silent and passive, submissive to the rules of order and obedient to the mandates of the law.

But when war, relentless war, called the gallant sons of Texas from their happy homes and firesides and confined them to the tented field, the worst [fears] of those who watched the movements of the domestic enemy began to be realized. Many of the members went into the army, apparently in good faith; but afterwards, it was ascertained, they designed only to obtain an opportunity to confer with the Northern army upon subjects connected with their organization. And through the active agency of those hanging on the flanks and rear of the invading forces in Missouri, many of whom were well acquainted with this country and the members of the band, those who remained at home were kept constantly advised as to the progress of the "Order."

Looking with ardent hope for a strong force to reach Texas from Fort Scott through the Indian Territories, they at once began a vigorous prosecution of their favorite enterprise. They then began to contemplate the successful issue of their cherished design to subvert the state government, murder the innocent and unoffending women and children of Southern men, and destroy all property both public and private which could not be used to advantage in their scheme of rapine and plunder.

## THE TIME OF ORGANIZATION

It has not been definitely ascertained at what exact time this wicked combination was dignified by the name of "Order," "Organization," or "Institution," as many of their leading members termed their association.

From the best information derived from various sources, they must have assumed their corporate existence and perfected their ritual at some period early in the spring of 1862. I. W. P. Lock,<sup>9</sup> under the limb, stated that he originated the "Order" himself; but the confessions of others clearly contradict this statement. It is quite probable that Capt. Lock had full authority to swear in and receive membership in his own immediate department, very much in his own way; but the volume of evidence shows the existence of the "Order" before Lock was in any manner connected with it. It is pretty clearly settled that they began operations under their "charter" early in 1862.

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<sup>9</sup>I. W. P. Lock was one of the prisoners condemned by the "Citizens Court" and subsequently hanged. As will be seen in the text, he testified that he and Jackson Mounts "were the first starters of this order."



## THE EXTENT OF THE ORDER

Before introducing any of the particulars connected with the progress of the "Order," it may be proper to inform the reader of the extent of its operations, and the scope of its designs.

None except those who are intimately acquainted with the particular incidents connected with it, the character of those engaged, and the localities selected for the field of their operations could ever possibly appreciate its magnitude.

The poor deluded wretches in Texas who fell victims to their own egregious folly were but tools in the hands of a more powerful wing of the same "Institution." They were but pioneers in the work, and to the premature & over-zealous efforts of a few to accomplish a purpose requiring the cooperation of all their forces, may be attributed their sad and untimely fate.

With the largest number that they ever claimed as belonging to the organization in Texas, they could not have hoped for success by their own efforts alone; and hence, it has ever been a source of profound wonder to those who are not acquainted and advised of the facts. The reader at the outset is astonished that so few should attempt such a hazardous work—that so few should contemplate the overthrow of a State government and murder indiscriminately its unoffending citizens; that so few should band themselves together in the face of a people already in arms, acquainted with war; and renowned for their prowess and military achievements.

But this astonishment yields when the mists of error are dispelled by the light of truth. It was ascertained beyond question that this insignificant band was in full fellowship with a like combination in the Federal army of the West, and linked with every hostile tribe of Indians then in arms against the South, and especially against Texas.

It is useless to attempt to vindicate their extraordinary conduct upon any other hypothesis than a direct assurance of timely aid from other sources. Strange as their conduct may seem,

stranger things have occurred in our own country, and for the accomplishment of similar purposes.

Who, with a properly [*sic*] and well-balanced mind, endowed with reason and intelligence could have been induced to believe that old John Brown, the martyr, with but a squad of followers would have marched into the very heart of the Old Dominion, in time of peace and public tranquility, with fire and sword, slaying, burning and destroying whatever fell in his path? . . . [The writer here goes into an extensive discussion of John Brown's capture of Harper's Ferry, concluding:] Nobly did the Old Dominion meet the danger and vindicate the majesty of her laws and the liberty of her people by a practical application of her motto, "Sic Semper Tyrannis."

So, in this instance in Texas, the promised and anticipated relief was not forthcoming in the hour of peril, and hence those who meditated the ruin and destruction of the fairest portion of this great state fell victims to their own criminal folly.

This organization was in league also with the nine tribes of Reserve Indians, except the Tonkawas; to wit, the Keechi's, Ioni's, Waco's, Wichita's, Caddo's, Towokona's, Anodarco's, and Comanche: The organization was also in communication with the hostile tribes of Shawnee's, Delaware's, and Kickapoos; and, also, the disaffected portion of the Cherokee's, Creeks, Seminole's and other tribes. It was not originally understood by the members of the order that they were to cooperate with the Indians. The "Institution" was more intimately connected with the northern Army, in which they claimed many members, principally those who had fled and escaped public justice in Texas.

The fact [is] that such an organization existed and it's designs were, by duly appointed messengers, properly laid before military commandants in the Federal Army, and their cooperation secured. In reply to the assurances made by these couriers, that Texas was vulnerable and utterly defenseless, the Federal Officers, very naturally engaged to assist them. But, aid from this source coming too slow, and finally becoming doubtful, whether it [would] come at all, the organization turned its attention to the Indians and opened correspondence with them.

After some time had elapsed in perfecting thier<sup>10</sup> plans, operation began about the middle of August 1862. The hostile Indian tribe (s) begun [*sic*] to make demonstration upon Fort Cobb, which caused the Chickasaw Battalion stationed there to retire to Fort Arbuckle, and a general rush of citizens back into the interior. In consequence of this formidable attack, it was naturally and reasonably expected that the militia of the border counties would be called out to drive back the savage, which was accordingly, and very promptly, done by Brig. Genl. Wm. Hudson.<sup>11</sup> Thus the traitors saw their plans working admirably.

It was understood among them that they should all respond to the call, apparently in good faith; and when the militia were ordered far beyond the limits of Texas, those who were necessarily in the ranks, upon a given signal and signs from the enemy, should band together and turn their weapons upon their neighbors; while as many as possible were to remain at home [to] take advantage of the helpless condition of the country and murder, pillage and destroy; and if, finally, unable to hold the country, they were to join their friends in the enemy's camp.

But, luckily, the demonstration of the Savage being timid and undecided in its character—and considering the distance, the scarcity of provisions and forage, and the uncertainty of a successful pursuit—Genl. Hudson countermanded the order and the expedition was abandoned.

This circumstance alone, checked an outbreak at that time.

Thus chagrined, and cheated of their spoil, the members of the order became bolder and more defiant than before. They openly denounced the Government, and vowed organized resistance to the

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<sup>10</sup>A consistent idiosyncrasy in Diamond's manuscript is the misspelling of the possessive pronoun "their." All subsequent instances have been corrected.

<sup>11</sup>William Hudson was born in South Carolina in about 1820 and settled in Cooke County in the 1850's after living for several years in Missouri. He and his wife Mary Jane are listed as family no. 10 in the 1860 census of Cooke County, in which he is described as a "Land Locater." When the Texas legislature in December, 1861, passed a general act to put the state upon a war footing, he was appointed a brigadier general in command of one of the thirty-six brigade districts created by the act. He was placed in command of District 1, which included Cooke, Montague, Jack, and fourteen other northwestern counties, with headquarters in Gainesville. Clifford D. Cates, *Pioneer History of Wise County* (Decatur, 1907), 117. On disclosure of the "Peace Party Conspiracy" in late September, 1862, he declared martial law in the district and issued orders requiring every able-bodied man not already in the military service to report for duty. Elliott, "Union Sentiment in Texas, 1861-1865," *Southwestern Historical Quarterly*, L, 451.

Conscript Law.<sup>12</sup> They became a terror to their southern neighbors, mechanics among them refused to work for southern men, while their whole conduct evinced a spirit of hate and revenge too intolerable to be borne. They now conceived the bold design of striking the blow themselves, at all hazards.

A large quantity of powder and other ordnance stores being deposited at Sherman and Gainesville<sup>13</sup> their first step was to obtain possession of it. This accomplished, they, [de]signed to hold the country, take possession of all the property or fight their way to the Federal Army. So perfect and systematic were their plans that they had parcelled out the property of Southern men among each other, and had decided upon the unfortunate young women who were marriageable and handsome, who should be spared for wives; the rest to be put to death, together with the children.

Some, under sentence, were asked, why so foul a purpose? Why murder the helpless women, and innocent little children? They answered that the women might interfere with them in the enjoyment of their new estates; and if order should ever be restored, [they] might dispossess them entirely. As for the children—as nits, if not destroyed, would turn to lice, so the offspring of bad men must follow in the footprints of their sires.

Other objects which might have been contemplated by them are not sufficiently developed by the evidence to warrant a notice of them here. If they had succeeded in this, other plans of still greater magnitude might have been built upon it. But, as their success could only have been commensurate with the success of northern arms in this quarter, it is not probable that they would ever have added another degree to their ritual, or another oath, to bind the consciences of men.

It is thought by many, however, that the scheme comprehended, as its ultimatum, the organization of a free state embracing northwestern Texas and the Chickasaw and Choctaw Nations—thus annihilating the only Indian tribes faithful and true to the South.

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<sup>12</sup>The Confederate Congress passed its initial conscript law affecting able-bodied men 18 through 35 years of age on April 16, 1862. Alan C. Ashcraft, *Texas in the Civil War: a Résumé History* (Austin, 1962), 14.

<sup>13</sup>The word “Gainesville” was misspelled by Diamond throughout his manuscript. All subsequent instances have been corrected.



## COUNTERACTING MOVEMENTS

About the first of September, 1862, the first steps were taken to ferret out the designs of the domestic enemy and devise measures of protective defense. It was only a short time previous to this that the people had ascertained that these restless men had really organized for their destruction and that they were bound together by the most solemn oaths to execute their wicked purposes.

This fact was ascertained beyond doubt from a gentleman who had received propositions to go into the order, accompanied with promises of a rich reward in the way of plunder and exemption from all liability to aid and support the cause of the South.

Accordingly, Genl. Wm. Hudson, Col. James Bourland,<sup>14</sup> Col. James J. Diamond,<sup>15</sup> Capt. Wm. C. Twitty,<sup>16</sup> Capt. C. L. Roff<sup>17</sup>

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<sup>14</sup>James G. Bourland, born in South Carolina in 1803, settled in the Red River Valley in Texas during the Republic of Texas. He was appointed collector of customs for the Red River District in 1842. On the outbreak of the Mexican War he helped William C. Young raise a regiment of 1,000 volunteers in the Red River area. Bourland was appointed its lieutenant colonel. He served as a state senator in the First and Second Legislatures of the State of Texas. In 1856 he was conducting a general store in Bourland's Bend of the Red River in Cooke County in partnership with Austin Brooks. The 1860 census of Cooke County lists him as a fifty-seven-year-old farmer.

Upon the secession of Texas Bourland returned to military service and subsequently commanded a regiment organized for the protection of the northern frontier of Texas against marauding Indians and federal guerrillas. Units of his regiment were stationed on the Red River, principally at Preston in Grayson County and at old Warren in Fannin County. He died in 1868. Mattie Davis Lucas and Mita Holsapple Hall, *A History of Grayson County, Texas* (Sherman, 1936), 87, 128; *Biographical Souvenir of the State of Texas* (Chicago, 1889), 98.

<sup>15</sup>James J. Diamond was the eldest of six brothers who moved to Texas from their native county of De Kalb, Georgia, before the Civil War. He settled in Grayson County near present-day Whitesboro. A cotton planter and slave owner in the Red River valley portion of northwestern Grayson County, he was the leading spokesman in that area for Southern rights and views in the days immediately preceding the Civil War. He attended the 1860 Democratic National Convention at Charleston, South Carolina, as a delegate from Texas and bolted as a member of that delegation upon the nomination of Douglas for president.

Upon the election of Lincoln in November, 1860, James J. Diamond was instrumental in calling a public meeting of Grayson and Cooke county citizens at Whitesboro on November 23, 1860, "to take into consideration the present political condition of the country." His brother John R. Diamond was called upon to preside. James J. Diamond, as chairman of a committee of fifteen named by the meeting, offered a resolution calling upon Governor Sam Houston "to ascertain the will of

and others met in the town of Gainesville, Cooke County, for the purpose of maturing some plan by which they might obtain the secret schemes and operations of the conspirators.

After a long consultation, they agreed to appoint, or designate, some suitable person to make application and receive a regular initiation into the order, obtain the signs, grip & password and all information necessary to a full understanding of the character of that class of citizens with whom they had to deal, as well as the names of those of which the "Order" was composed.

In the first instance, they very properly selected J. B. McCurley to whom propositions had been made to join the organization. Mr. McCurley,<sup>18</sup> a good citizen and a gentleman of fine intelligence, proceeded at once, under full instructions to the discharge of the duty assigned him. He made application, and was duly re-

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the people . . . by convention, or otherwise" on the question of Texas remaining in the Union. He also moved that a company of 100 men be organized at once in the two counties to help defend "Southern interest and Southern equality in the Union, or out of it." Both resolutions carried with only four votes against them.

James J. Diamond attended the Secession Convention in Austin as one of Cooke County's two delegates. He was named a member of the Convention's Committee of Public Safety, which in effect took revolutionary control of the state in the interim between the recess of the convention on February 4, 1861, and its reassembly on March 2 to announce the ratification at the polls of the ordinance of secession. He was named lieutenant colonel of the 11th Texas Cavalry upon its organization in the spring of 1861, participating in its occupation of the Indian Territory. He succeeded to its colonelcy upon the death of Colonel William C. Young in October, 1862. He died in Houston, Texas, during the yellow fever epidemic of 1867. Lucas and Hall, *A History of Grayson County, Texas*, 125.

<sup>16</sup>William C. Twitty was born in Kentucky in 1801 and lived for a number of years in Louisiana before moving to Texas in the fall of 1836. While in Louisiana he married Elizabeth Montague, daughter of Daniel Montague. Twitty was among the first settlers in Cooke County west of Gainesville. He died a few years after the end of the Civil War, and his widow made her home at Marysville, Cooke County. A. Morton Smith, *First 100 Years in Cooke County* (San Antonio, 1955), 20.

<sup>17</sup>In October, 1862, Charles L. Roff was captain of a cavalry company in Brigadier General William Hudson's brigade of state troops, and later served as major of Bourland's Cavalry Regiment. C. N. Jones, *Early Days in Cooke County* (Gainesville, 1936), 67.

<sup>18</sup>J. B. McCurley, from Tennessee, was a forty-eight-year-old farmer in Denton County in 1860. He and his family had come to Texas in the 1850's by way of Illinois. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Denton County, Texas, microfilm, Dallas Public Library). In Diamond's opinion, as given in his "Review of McCurley," this carrier of the mail between Gainesville and Denton provided the initial clue in the discovery of the "Peace Party Conspiracy." Previously published accounts have credited Newton J. Chance with having first discovered the existence of the Unionist resistance group in Cooke County. Elliott, "Union Sentiment in Texas, 1861-1865," *Southwestern Historical Quarterly*, L, 449.

ceived and admitted into the order and made acquainted with all the secrets [*sic*] & mysteries connected with it.

How he proceeded in the part assigned him may be better and more fully explained by his testimony given [before] the "Citizens Court" on the trial of Dr. Henry Childs.<sup>19</sup> And it may be proper to remark here that nowhere in the proceedings of the Court has any testimony been incorporated in this report, (except the voluntary confessions of the parties condemned) unless it has been sanctioned by an oath, administered under the forms of law by officers authorized to administer oaths and elicited according to the rules of evidence.

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<sup>19</sup>Henry Childs was the central figure in the "Peace Party Conspiracy," in view of the author of this narrative. His opinion also reflects the views and convictions of members of the "Citizens Court." Diamond himself was not a participant in the events he chronicles or a resident of Cooke County at the time of the Great Hanging at Gainesville, although, as explained in his "Introduction," he arrived at the scene shortly afterward. The absence of the name of Henry Childs in available contemporary records of Cooke County, including the federal census of 1860, may be explained by Diamond's statement that Childs "came from Missouri to Texas but a few years anterior to the war between the States."

## McCURLEY'S TESTIMONY

I met Ephraim Childs<sup>20</sup> at the Hotel in the town of Gainesville, sometime in the month of September 1862. After some conversation he remarked to me, "Would you like to go into a Society for the good of our country?" He then, before any remarked [*sic*] made by me, continued—"You are a good union man, are you not?" I told him I had been one. He then said, "Come into the room, it may be that you are one still."

We went into the room, and he gave me some signs, which I did not understand and of course, could not answer them. He then remarked, "You know nothing about it." We then walked out on the porch, when he said further: "If you want to know all about it, my brother, the Doctor, is one of the head men and he will initiate you."

I told him perhaps at some future time, I would stop and endeavor to learn something for the good of the country, for, I thought it in a condition to need all the aid that could be extended to it, and that I was anxious to do all the good in my power. He then said, "These d——d rebel rascals about town (and there are a good many of them) have a large quantity of ammuni[tion] and we Union men intend to have it, and that d——d soon."

I made no reply and left him. I informed Col. Bourland of what I had heard and he advised me to go on, join the order and get all the information I could on the subject.

About two weeks subsequent to the time of the interview with Childs I came to Gainesville, and Col. Bourland loaned me a horse and I rode out to the residence of Doctor Henry Childs, finding him at home. I inquired about some estray stock which (as I told him) I learned run in his neighborhood. After some conversation, I told him I had formed an acquaintance with his brother in Gainesville, and that he had informed me of the existence of an organization in the country, which he styled the Union party, and that being myself a Union man, the idea pleased me very much. I then stated to him that his brother told me that he (the Doctor) could give me all information and full instructions regarding said organization. This seemed to please him; and without any further remarks on my part he replied, "I must first swear you to secrecy."

At his bidding I then raised my hand and took the following obligation: "You, J. B. McCurley, in the presence of Almighty God, do most solemnly promise and swear that you will forever keep secret

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<sup>20</sup>Ephraim Childs, the brother of Dr. Henry Childs, was credited with unwittingly first having revealed the existence of the secret order.



the revelations now about to be made to you, and that you will obey all the orders of the society into which you are now about to be initiated. So help you, God."

I then told him that his brother had informed me of an intention on the part of the Society to rise very soon and capture all the ammunition deposited in town, and that I desired to know when the seizure was to take place. He replied, "there is a talk about it," but he thought they would delay it awhile longer. I then asked him how many his Order numbered. He said they not only numbered hundreds, but they were counted by the thousands—that their Institution reached from the north to the South, through the northern and Southern armies, and that within the last eight days he had sworn in and initiated over fifty members.

I asked him if he had taken their names. He replied, "No; but we know each other by the signs." He then drew from his pocket a small blank book and showed me that they used dots, or characters other than words, as he said, to avoid detection.

He then read from the book the obligations which bound them to protect and defend each other at all times and under all circumstances, even unto death. He said they would not probably take up arms against the State until the Northern army should come in, when they were to rise and fight against the Secessionists, or fall in the rear of the Federal army. He said that a new governor would soon be inaugurated and take his seat in Austin—that Jim Lane<sup>21</sup> of Kansas was talked of for the place, but that he thought Sam Houston would be selected, as the most available man & popular with all parties.

I then inquired of him from what quarter the Northern army was to come into Texas. He said from above this place, or from Kansas and Galveston, the two divisions of the army to meet at Austin—that there was a regular correspondence kept up between the Order and the Federal army, the latter being well and fully posted as to the strength and objects of their organization and the weakness of the rebels, and that through the energy and influence of the Society, the Northern army & our friends were informed that they might now enter Texas in perfect safety.

Having spoken of "our friends," I asked him who were our friends? He answered, "the Union men." I asked who were our enemies. He answered the Southern secessionists. Having in the conversation used the word "tories," I asked him who he called tories. He replied, the secession party [of the] South. I asked him what would become of them, in the event of the success of the order and the occupation of

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<sup>21</sup>James Henry Lane (1814-1866) resigned from the United States Senate as a Senator from the State of Kansas in 1861 to command a brigade of volunteers as a brigadier general. Born in Indiana, he served as lieutenant governor of that state and then as a representative in Congress before emigrating to the Territory of Kansas in 1855. He was a close friend of Abraham Lincoln and an organizer of the Republican Party.

the country by the Northern army. He said in reply that "when our friends come in, if they should not submit, the last one of them would be killed."

He then informed me that he could give me signs, words and grips by which I might know any member of the order, if I would consent to be sworn again. He said he desired to swear me, and give me power to swear in others, I declined for the want of time then, but told him I would call again soon, and learn all about the organization.

## REVIEW OF McCURLEY

In reviewing the testimony of this man McCurley, many remarkable features in the design and operations of the order are prominent and quite noticeable. While McCurley was nothing but an implement in the hands of others to detect and expose the inside workings of the "Order," he was nevertheless a man that stood fair among his neighbors and whose evidence was received as the truth, and not questioned or denied by the accused or his friends.

He was a man of ripe age & at that time was engaged in carrying the mail between Denton and Gainesville. He was known to be fond of a social glass with his friends at times, but ever on the alert and quite sound in his suspicions of those with whom he had intercourse.

Had it not been for the exceeding volubility of the younger Childs (Ephraim) superinduced by an overflow, or overdose, of bad Confederate whiskey, he would not in all probability have led the sagacious McCurley to suspect the worst from the organization in which he boasted of being an active member. And but for these voluntary communications, he might have lived to be useful in his favorite "Institution," and witnessed its triumph in crime and wickedness.

Being intoxicated, he felt equal to any emergency and forgot for the time being the oath of secrecy and the necessity of that caution so necessary to carry out purposes for which they were organized. His object was to gain the sympathies of McCurley by referring to his record as a Union man. McCurley discloses no disposition to learn or go into any thing further than to frankly admit that he would be pleased with the restoration of the Union upon any fair or honorable means. But when he was informed that this was to be accomplished by means of signs, grips and passwords, and the murder of his neighbors and the betrayal of his section into the hands of an unscrupulous, heterogeneous, reckless organization, he seems to shudder at the idea and declined to receive any further information.

At his first interview with Childs, notwithstanding he pressed the matter with such earnestness, McCurley's conduct shows that he did not clearly see any "good to the country" in the movement suggested for his endorsement and cooperation. He could see no "good to his country" in attacking and sacking the town with fire and sword, and the killing of neighbors, the "rebel rascals" designated as objects of revenge. Therefore, he "made no reply and left him."

After introducing himself to Dr. Henry Childs at the suggestion of citizens heretofore mentioned, McCurley discovered that the oath taken before him led him on one step further into the secrets of the order. He was to "obey all orders of the Society." He then seems inclined to [have] avoid[ed] any further oath-taking, and introduced a system of inquiry based upon the information already obtained in a manner worthy of the most erudite and cunning barrister. It was at least creditable to a plain and unpretending countryman.

The strength of the order rapidly spreading was put down by Childs at thousands, which he probably thought sufficient to guarantee any member against capture or punishment. When asked the names of those in this section belonging to the society, Childs very properly declined to give them, fearing no doubt that McCurley would recognize the names of many with whom he would scorn to associate with as "Union men." This dodge doubtless seduced many into this order who, at the first blush, would not have consented to have attached themselves to the organization if all the plans had been submitted and explained to them. That "Union Men" were thus approached who emphatically declined [to join] cannot be denied; but it seems that when once in, they accorded their active assistance and full fellowship with the "Order" in the vilest and darkest transactions.

But [the joiner] had still another step to take—"to protect and defend each other to the death."

The suggestion that Jim Lane of Kansas, or Sam Houston of Texas would be inaugurated in Austin at an early day was a piece of deception palpably as transparent as it was ungenerous and unjust to the name and now the memory of the great, and distinguished lamented General Sam Houston.



The association of these two names together, the one infamous and the other illustrious, was done for a two-fold purpose: First, to induce the applicant to believe that Jim Lane, then in Command of the Federal troops in Kansas & West Missouri, was actually making preparations for a movement against Texas (which was probably really the case) and that, in the event of such a movement, the order and its members were sure of success.

Secondly, if the great Houston should stand at the head of a general movement to resist the organized state and Confederate Governments, that his powerful name and universal popularity, connected with the military operations of his associate, Jim Lane, would assure the success of the scheme beyond peradventure. The representation that this would be consummated by the Federal armies approaching from the north and by way of Galveston, and a final juncture at Austin, was not without reasonable plausibility, and it is well known that military operations at that time really indicated such a purpose.

The announcement by Childs that when the Federal Army should come in, all who did not quietly submit would be killed, appears to have staggered McCurley for the second time in the progress of his work, and pleading want of time to go any further, left the Doctor to ponder over the events of the approaching revolution, as they should transpire; and instead of receiving the signs, grips and passwords which were offered him he hastened from his presence to join a committee of friends to relate what he had heard.

## FURTHER PROGRESS OF THE CITIZENS

These statements of a man in whom all confidence could possibly be placed caused the gentlemen before referred to, to doubt no longer the full scope and designs of the "Order." But still unwilling to hazard a general disturbance of the apparent tranquility, and apprehensive of doing injustice and violence to any innocent persons, the committee thought proper to make further inquiries and ascertain if possible the full details, and the names of the members of the organization. It was resolved, therefore, to select Col. N. J. Chance,<sup>22</sup> a man full of bone and muscle, courage and intelligence who, under the instructions of the committee, made the necessary application, joined the Society and obtained in detail its inside workings.

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<sup>22</sup>Newton J. Chance, a resident of Wise County, was stationed in Gainesville as a member of Brigadier General William Hudson's command at the time the existence of the secret order was first reported to military authorities. Smith, *First 100 Years in Cooke County*, 35; Elliott, "Union Sentiment in Texas, 1861-1865," *Southwestern Historical Quarterly*, L, 451; Cates, *Pioneer History of Wise County*, 131.

Some quarter of a century after the Great Hanging at Gainesville, Chance was apprehended and tried at Sherman for the murder of E. Junius Foster, editor of the *Sherman Patriot*, in October, 1862. Chance subsequently had become a minister in the Christian Church. He was acquitted following the surprise confession in the trial by James D. Young that it was he, not Chance, who had fired the fatal shotgun blast that ended the life of the editor. Landrum, *Grayson County, An Illustrated History of Grayson County, Texas*, 65.

## COL. N. J. CHANCE'S TESTIMONY

Immediately after being appointed to this delicate and responsible trust, Col. Chance visited the residence of Dr. Henry Childs and was regularly initiated, took all the degrees & received the signs, grip, and passwords, and was duly commissioned to swear in others. When he had obtained the secrets of the "Institution" and had learned a great many of the names of its members, he reported to the Committee.

As the testimony of Col. Chance will appear in the proceedings on the trial of Dr. Henry Childs, it is not deemed necessary to introduce it here. His evidence strictly corroborates that given by McCurley, fully confirms the Committee in their apprehensions of an immediate outbreak. The organization had so far attained its ends, that nothing was lacking but a fit opportunity to make known its designs only in their execution. While this committee was by day and by night earnestly engaged in the prosecution of a well-planned project to defeat the Conspirators and save bloodshed, the people generally were very prudently kept from a knowledge of its operations; in fact, no one knew anything concerning the existence of such a committee except the very few employed to aid and further its progress.

Accordingly, there being no further time to lose, the following named citizens met together to consider how to avoid the impending danger—to wit: Col. James Bourland, Col. Daniel Montague,<sup>23</sup>

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<sup>23</sup>Diamond's narrative throws additional light on the life of Daniel Montague, one of the most important leaders in North Texas during the Republic of Texas and in the early years of Texas' statehood. Montague County was named for him upon its creation in 1858.

Montague was born on August 22, 1798, in South Hadley, Massachusetts. He moved to Louisiana in 1820 and was a surveyor there during the next fifteen years. He set out to aid the Texas revolutionists in their struggle against Mexico in 1836 but arrived too late to take part in the Battle of San Jacinto. Returning to Louisiana to gather his family around him, he moved to the Republic of Texas later that same year, settling first at old Warren on the Red River in present Fannin County. He conducted a general merchandise store in partnership with William Henderson, then accepted the post of surveyor of the Fannin Land District that included much of present Cooke, Grayson, and other North Texas counties. He was a noted Indian fighter. Upon the outbreak of the Mexican War he helped raise a regiment of Red River volunteers and commanded a company as captain.

Daniel Montague moved westward along the Red River in the late 1840's, taking

Col. N. J. Chance, Col. W. C. Twitty, Major C. L. Roff, William Peery,<sup>24</sup> J. M. Peery,<sup>25</sup> J. C. Chance, Samuel C. Doss and others. How well they laid and executed their plan of operations, the subsequent pages of this work are designed fully to show. They resolved to meet the danger at once and to meet it boldly. They selected from the good people of the county a sufficient number of men, in the vicinity of each member of the order, to seize upon the person named at a certain hour on a certain day. These true and good men having received their orders through the proper medium and the time fixed for their execution, the critical moment had at last arrived.

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up land in Cooke County, of which he became county surveyor. He also had surveyed much of the area that became Montague County. The 1850 census of Cooke County, Texas, lists him as 52 years of age, engaged in farming, and possessed of land valued at \$5,000.

Montague's principal service to the Confederacy, as this narrative discloses, was as president of the "Citizens Court" that tried, condemned, and hanged the thirty-nine prisoners charged with disloyalty and treason to the State of Texas. Montague is also shown as foreman of the grand jury which in November, 1862, returned an indictment against Joel Francis De Lameron on a charge of treason. The case was tried in the fall term of 1862 before the district court at Gainesville.

Montague was among the ex-Confederates who refused to accept the outcome of the War Between the States and emigrated to Mexico in 1865. He lived for the next eleven years in the valley of the Tuxpan River. He returned to Texas in 1876 to make his home with his widowed daughter, Elizabeth Montague Twitty, at Marysville, Cooke County, where he died on December 20 of that year. His return to Texas and subsequent death are significant in establishing the probable date of Diamond's final draft of his narrative, as is obvious from the text of his manuscript. Lucas and Hall, *A History of Grayson County, Texas*, 40-41; Z. T. Fulmore, *History and Geography of Texas as Told in County Names* (Austin, 1915), 86-87.

<sup>24</sup>William Peery, a native of Kentucky, was enumerated as a sixty-year-old farmer living in Cooke County, in the 1860 federal census. He had lived for a time in Missouri before moving to Texas with his wife and three children in 1851. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library), family no. 551.

<sup>25</sup>Presumably a brother of William Peery, James M. Peery was a member of the Masonic Lodge at Gainesville in 1859. He served as a member of the patrol at Gainesville as provided by state law in 1861. Smith, *First 100 Years in Cooke County*, 32.



## THE ARREST

Accordingly, precisely at daylight on the morning of the first of October, 1862, every one so far as known (except those who had escaped) were seized and placed in custody, "in the name and by the authority of the people of the County of Cooke, State of Texas."

Large quantities of ammunition and fire arms were captured in the possession and upon the persons of the accused.

## DOC EDMONSON

Many escaped through the treachery of one Doc Edmonson. Being a son-in-law of one of the oldest and best citizens then residing on the western line of Grayson County, and who was himself a native of Illinois, he was informed of the contemplated arrest by those whom he had induced to regard him as a friend. As soon as he could shun his friends, he mounted his horse and notified many of the members of their danger. So zealous was he in the execution of trust and faithful in observing his oath he forgot to be merciful to his beast; for it is well known that the poor animal was so violently urged on his mission that he died early the next day. Edmonson fled but at the close of the war came back to the country. After enjoying the friendship and hospitality of his old friends and neighbors for several years, [he] returned to Kansas.

Some, however, who had the advantage of Edmonson's warning refused to take his advice, and after the first arrest gave themselves up voluntarily, believing the "Order" strong enough to release them.

## HEAVY RAIN FALL

At the very hour when the arrests were made all over the county a perfect deluge of rain was falling, and the heavens darkened with a raging storm cloud. But the guards were true to their trusts and, notwithstanding the drenching rain, they never faltered in the discharge of their duty.

Large quantities of powder, lead and cartridges were found concealed in beds, ladies' wearing apparel & in every conceivable secret place. *The weeping wives* of the accused evinced great alarm and the deepest concern for the safety of their husbands from the beginning. They owned to entertain strange presentments that their husbands could not escape punishment while some of them seemed to be well instructed concerning the organization, and failed to appreciate the danger or properly consider the punishment due such transgressions.

The most intense excitement now prevailed throughout the county. There was a general motion of guards, prisoners, citizens, screaming women and children, from every section toward Gainesville—a rush of those who escaped to places of rendezvous to organize for the rescue, while the citizens grasped their guns and organized for defense. All were active and fully alive to a sense of the danger & peril of the next act in the exciting drama.

If there was one class of participants in that rushing throng, in that Babel of excitement and domestic disorder, that was more calm and unperturbed [*sic*] than another, it was that composed of the prisoners. They, between sixty and seventy in number, were marched by many different roads into the town of Gainesville, lodged in a strong prison home and orders for their safe detention rigidly enforced. But they seemed confident of the power of their friends to release them, saying there were enough members of the "Order" to rescue them upon a given signal. So implicitly did they rely upon the courage and strength of their brotherhood that they defiantly informed the guards and people that they were not at all alarmed and only went into prison as a matter of choice—to give their friends a better opportunity to release them without danger to themselves.

They were encouraged in this belief by a circumstance that occurred in Gainesville in the preceeding [*sic*] month of July. At that time a charge was preferred against one of their number, (as was afterwards ascertained) who was arrested by Col. James Bourland, Provost Marshal. After proper investigation, the accused was discharged. It was observed while his trial was pending that an unusual assemblage gathered around the marshal's office, unwarranted by any ostensible object, there being no cause for public excitement at that period. It was also a mysterious and noticeable fact that nearly all who assembled on that occasion "happened to bring their guns along."

And when it was discovered that the prisoners were so confidently relying upon their friends to rescue them, the people could look back to the trial of Cottrell<sup>26</sup> before the Provost Marshal and connect them with the strange popular assemblage of that day. And by this circumstance the fact was plainly developed that if Cottrell had been ordered to prison, the Society was then ready and able to rescue him.

A dispatch had been sent to Fort Washita calling upon the Commander of that post for assistance. And other neighboring commands [were] promptly notified of the situation of affairs in Cooke County. These commands having readily responded to the call made upon them and the citizens having organized for safety and defense, the excitement and anxiety was measurably allayed.

The following commands soon reached Gainesville, in the order in which they are named: A militia company from Grayson County, commanded by Capt. Russell;<sup>27</sup> one company from Col. Charles DeMorse's<sup>28</sup> Regiment, CSA, commanded by Capt. [Nick]

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<sup>26</sup>John Cottrell was one of two Cooke County soldiers in Captain James D. Young's company of Major J. S. Randolph's battalion, Partisan Rangers, who were subsequently arrested in connection with the "Peace Party Conspiracy." Insisting upon a court martial, they were convicted by such a court and hanged.

<sup>27</sup>Probably John Russell, since a John Russell served as a captain in the 11th Texas Cavalry and three John Russells are listed in the U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Grayson County, Texas, microfilm, Dallas Public Library).

<sup>28</sup>Charles DeMorse was the founder and long-time editor of the *Northern Standard* at Clarksville. He took up arms in behalf of the Confederacy after strenuously opposing the secession of Texas and its adherence to the Confederate States of America. In 1862 he organized the 29th Texas Cavalry, of which he became colonel. He had been born in Leicester, Massachusetts, on January 31, 1816, and had come to Texas in the summer of 1836. He died at Clarksville in 1887. Ernest Wallace, *Charles DeMorse: Pioneer Editor and Statesman* (Lubbock, 1943).



Wilson; the entire militia of Denton County, commanded by Col. Patton;<sup>29</sup> two Companies from Fort Washita, C.N., under Capts. Marshall and Bumpass<sup>30</sup> and one company from Major Randolph's Battalion, CSA, under Capt. [James D.] Young. The prompt and meritorious conduct of Major Randolph in the premises, is fully explained in the following dispatch to Cols. Bourland and Young:

The dispatch reads:

Camp Tishomingo, October 4, 1862, Gentlemen.

I am informed that quite a number of men, belonging to this Battalion, are implicated by your investigation of the treasonable plot in Cooke County. If so, please give me a list of their names. All who are implicated here, are subject to your orders, and it will be my greatest pleasure to arrest them, and if necessary assist you in hanging them. If you need any more assistance, my services, and those of every true southern man here, are at your disposal. Please forward at once the names of every one who should be arrested. Respectfully, J. S. Randolph, Major. Comdg. Bat. Par Ran. CSA.

In the meantime, the militia of Cooke County had been organized under the able supervision of Brig. Genl. Wm. Hudson, and placed under the command of that gallant Col. W. C. Twitty. Sentinels were placed on every road approaching the town and the troops kept constantly in line of battle. Reliable information had been received that the members of the "Order" had organized and were preparing for an immediate attack upon the town under the leadership of the Rev. Capt. Garrison, a Northern minister, whose short residence in the country had inspired his neighbors with more fear of his villainies than respect for his Christianity.

On the night of October 2 1862, the citizens' picket encountered Capt. Garrison's force about eight miles from Gainesville, a few shots exchanged, when Capt. Garrison halted for the purpose of reconortering [*sic*]. At this juncture, one of the order deserted from town and informed Capt. Garrison of the strength of the citizens' forces. This caused his retreat into Red River bottom, where it is thought in a short time he disbanded his

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<sup>29</sup>Probably S. P. C. Patton, who served as a captain in Bourland's Cavalry Regiment and is listed in the U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Denton County, Texas, microfilm, Dallas Public Library).

<sup>30</sup>Probably A. B. or Abner M. Marshall and John K. Bumpass, captains in Martin's Partisan Ranger Battalion.

forces and left each man to provide for his own safety. This company numbered about eighty men. Lock, Harper<sup>31</sup> and other prominent leaders in different portions of the county having been arrested & imprisoned, their respective commands did not cooperate with Capt. Garrison in time to effect the release of the prisoners until the opposing strength became too formidable for any hope of success. Hence the abandonment of the attempt on the part of Garrison. Though for several days afterwards it was asserted by the prisoners and their friends that there still existed an organized, well-armed force strong enough to effect their escape and that they were sworn to do it, or die in the effort.

Pending these extraordinary proceedings an incident occurred which illustrates the great alarm felt, and the bold determination of the people to defend themselves and punish the guilty.

Before any assistance had arrived the sentinels reported the approach of an armed force from the West.<sup>32</sup> Not knowing whether it was friendly or hostile, Col. Twitty rode out to meet it. Galloping up in speaking distance, he addressed the officer in command as follows, "What command, sir?" "Capt. Russells Company," was the reply. "Where from?" demanded Col. T. "Grayson County." "Where are you going, sir?" "To Gainesville." "For what purpose?" "We have understood you needed help; and have come to aid you." "The people of Cooke County have not called upon the people of Grayson for help," [said Colonel Twitty] "therefore I would inquire by what authority you come." Capt. Russell then advanced and in a firm tone said, "We are Southern men, sir, citizens of Grayson Co., and have come in the name of the Southern people to aid the good citizens of Cooke County in their efforts to vindicate the laws and to uphold them in their right of self defense." "Welcome," replied Col. Twitty, and taking Capt. Russell by the hand thanked him for his sympathy and timely aid of himself and company.

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<sup>31</sup>M. D. Harper was a thirty-three-year-old carpenter born in Virginia, who settled in Cooke County after 1850, according to the 1860 federal census. He was condemned and hanged by order of the "Citizens Court." U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>32</sup>The author may have erred in stating the direction from which the armed force arrived from Grayson County, which lies to the east of Cooke County.

Simultaneously with the order of arrest, a county meeting was called, which was attended by almost the entire adult male population of the county. The meeting was held on the same day the arrests were made.

## PUBLIC MEETING

In pursuance of a general notice a meeting of the citizens of Cooke County was held the 1st day of October 1862. The following proceedings were recorded to wit—On motion, Col. W. C. Young<sup>33</sup> was called to the chair, and J. M. Peery appointed secretary. Col. Young being requested to state the object of the meeting, arose and addressed the audience as follows:

FELLOW CITIZENS. The information having been received by the people of Cooke County that a vile and secret organization existed in their midst, having for its objects the overthrow of the government both State and Confederate, the seizure and destruction of property, both public and private; the perfecting of an alliance with the invading armies, both civilized and uncivilized 'now gathering upon our borders, and the indiscriminate slaughter of ourselves, our wives and children, it becomes our duty to adopt some plan to stay these impending evils, and marshal our strength in self defense.

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<sup>33</sup>William Cocke Young was born in Davidson County, Tennessee, on May 12, 1812. He came to Texas during the days of the republic, settling first near Pecan Point in present Red River County in 1837. He was the first sheriff of Red River County and served as district attorney for the Seventh Judicial District by appointment of President Sam Houston.

Young was a member of General E. H. Tarrant's expedition that routed the last Indian settlement in the Dallas-Fort Worth area in 1841. He was a delegate to the convention at Austin in 1845 which accepted the terms of the annexation of Texas to the United States. During the Mexican War he raised and commanded a regiment of 1,000 Red River volunteers.

In 1851, Young moved to Grayson County, where he practiced law and occupied land formerly embraced in Shawneetown adjoining the present city of Denison. He served a term as United States Marshal. He moved from Grayson County to Cooke County in 1858, having established a new plantation home in the Sivil's Bend area of the Red River.

Upon the secession of Texas, Young was called by President Jefferson Davis to Montgomery, Alabama, first capital of the Confederacy, for consultations. On return to Texas he organized, in May, 1861, what was to become the 11th Texas Cavalry, composed of companies from Grayson, Cooke, Collin, Denton, and seven other north and northeast Texas counties.

Young was home in Cooke County on leave from his regiment because of poor health in the fall of 1862 and participated in moves to apprehend and punish members of the "Peace Party Conspiracy." It was from his river plantation that he went to rescue James Dixon only to meet his own death at the hands of unknown persons in the "brakes" of the Red River. Young County subsequently was named in his honor. Lucas and Hall, *A History of Grayson County, Texas*, 67; Landrum, *Grayson County, An Illustrated History of Grayson County, Texas*, 64; U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).



How wisely and well these plans were laid is now sufficiently developed in their successful execution. The result is, quite a number of those who cherished the wicked designs to accomplish our utter ruin have been arrested and confined in prison. The price of liberty is eternal vigilance, and I thank God that through the patriotic zeal, extreme caution and vigilance of the citizens of Cooke County, this infamous plot was discovered in time to save the country from the ruthless hand of the domestic traitor, robber and murder[er]. I understand the object of this meeting to be to advance by proper and legitimate means the work already begun. I am quite confident that you will all agree with me when I say that something *must be done* to check these conspirators in their villainous schemes and arrest the further progress of their wicked machinations. This is due to ourselves, to God and humanity.

As for me, while my whole heart is honestly earnestly enlisted for the defense of my common country, I regard it as my first duty to stand by my family fireside and not abandon my wife and children to the lawlessness and violence of my designing neighbors; and I am well assured from the number of good men of the County of Cooke assembled here today that the people are of the same mind. While I hope that wisdom & moderation may characterize our further proceedings, I still hope that no man will falter in this hour of trial. We have met to *act*. There is a *duty* for every one to perform. Something must be done; and trusting confidently to your wisdom and virtue, and having a common interest with mine, I ask you in the name of humanity what shall be done?

On motion, it was unanimously resolved that a committee of five good and true men, citizens of Cooke County, be appointed by the chairman, whose duty it should be to select twelve good true and lawful men citizens of the county to act as jurors, empowered to investigate, examine and decide upon all cases that should be brought before them.

Whereupon the chair appointed on said committee William Peery, Jas. B. Davenport,<sup>34</sup> R. G. Piper,<sup>35</sup> Aaron Hill<sup>36</sup> and J. B.

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<sup>34</sup>James B. Davenport was born in Kentucky in 1801 and took up land for farming in Cooke County in the 1850's. He served as a member of the town patrol at Gainesville in 1861. Smith, *First 100 Years in Cooke County*, 32; U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>35</sup>R. G. Piper, Chief Justice of Cooke County in 1862, was born in Virginia in 1815. He moved to Texas after 1850, taking up land for farming in Cooke County. *Ibid.*

<sup>36</sup>Aaron Hill was born in South Carolina in 1795. He moved to Texas with his family in 1848, receiving a patent in 1850 for 640 acres in Cooke County. He is listed in the 1850 Census, Grayson County, Texas, family no. 159, but moved,

Stone,<sup>37</sup> whose appointments were then unanimously endorsed by the meeting.

This com. retired and after consultation, recommended as the Jury of twelve the following names:<sup>38</sup> Samuel A. Doss, John W. Hamill,<sup>39</sup> Reason Jones,<sup>40</sup> Ben Scanland,<sup>41</sup> J. P. Long,<sup>42</sup> W. J. Simpson,<sup>43</sup> Wiley Jones,<sup>44</sup> Thomas Barrett,<sup>45</sup> Danl Montague, J. A.

apparently, to Cooke County the same year, being elected district clerk of Cooke County in 1850. Smith, *First 100 Years in Cooke County*, 31; Seymour V. Connor, *The Peters Colony of Texas* (Austin, 1959), 282; U. S. Seventh Census, 1850 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library), family no. 159; U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>37</sup>J. B. Stone was born in Virginia in 1823. He was a practicing physician in Gainesville at the time of the Great Hanging in 1862. *Ibid.*

<sup>38</sup>Reference to each of the twelve jurors is made below by the author under his heading of "Character of Court."

<sup>39</sup>John W. Hamill was one of the two ministers named to serve on the "Citizens Court."

<sup>40</sup>Reason Jones was born in Tennessee in 1813 and settled in Cooke County as a farmer in the 1850's. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>41</sup>Ben Scanland was born in Tennessee in 1818. He settled in Cooke County after 1850, taking up land to farm. He was named a member of the first grand jury empanelled in Cooke County (1858). *Ibid.*; Smith, *First 100 Years in Cooke County*, 25.

<sup>42</sup>J. Pope Long, a land owner in the Sivil's Bend area in Cooke County, was one of two physicians appointed on the "Citizens Court." He later moved to the Coesfield community of Cooke County. *Ibid.*

<sup>43</sup>W. J. Simpson was born in Tennessee in 1812. He moved to Texas after 1850, taking up land in Cooke County to farm. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>44</sup>Wiley Jones, a fifty-six-year-old farmer in 1860, was born in North Carolina. He was a member of the commissioners court of Cooke County in 1861. *Ibid.*; Smith, *First 100 Years in Cooke County*, 243.

<sup>45</sup>Thomas Barrett, physician and minister, was born in Anson County, North Carolina, on June 21, 1809. After residing in Missouri for a number of years, he moved with his family to Hopkins County, Texas, in 1848. He moved to Gainesville, Cooke County, in 1860. He began the practice of medicine in 1838 and was ordained later as a minister in the Disciples of Christ.

Barrett's account of the events narrated by Diamond, *The Great Hanging at Gainesville*, was the only known summary of those events from a contemporary observer, or participant, until George W. Diamond's chronicle in manuscript form came to light in 1962. (Publication of the Diamond account is made possible by the interest in Texas history of Mr. and Mrs. Harry Harlan of Dallas, Texas. Mrs. Harlan is a granddaughter of George W. Diamond.)

The Reverend Thomas Barrett wrote in 1885 that he was opposed to the hangings in 1862 and served on the "Citizens Court" under duress. As a result of threats arising from his lukewarm attitude, he felt it necessary to leave Gainesville shortly afterwards, moving to Vernon in 1863 and to Bell County in 1865. During the opening phases of Reconstruction in Texas he removed to Tennessee, where he remained

Hughes, Jas. Jones<sup>46</sup> and Thos. Wright,<sup>47</sup> whose appointments were unanimously confirmed by the meeting.

Resolved—That the committee thus constituted shall constitute a tribunal to be styled the "Citizens Court," which shall examine into all crimes and offenses committed in said co., and try saporatily [*sic*] all cases brought before it, hear the evidence, determine the guilt or innocence of the party accused and pronounce what punishment shall be inflicted.

Resolved—That the party accused shall in all cases be allowed to employ attorney and to send for and introduce such witnesses in his defense as he may desire, and may be confronted with any witness for or against him, and each witness shall be sworn by a Justice of the Peace, or other officer authorized by law to administer oaths.

Resolved—That the proceedings of said Court shall be private or kept secret so far as possible, from the enemy, and may at its discretion suppress any and all such testimony as may be deemed prudent and proper for the public safety.

Resolved—That the court shall be empowered to appoint a clerk & constable to assist in the transactions of its business, and may regulate the time of its own meetings and adjournments.

Resolved—Unanimously that we the citizens comprising this meeting pledge ourselves individually to sustain the proceedings of said Court and assist in carrying out its decisions in *all things*.

On motion the meeting adjourned. Wm. C. Young, Chm. James M. Peery, Secry.

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until the end of 1866. Barrett then returned to Gainesville where he, with other members of the "Citizens Court," were subsequently tried and acquitted in civil court of any crime in connection with their participation in the work of the "Citizens Court." He continued the practice of medicine until 1878 and continued to preach until his death in Gainesville in 1892. Barrett, *The Great Hanging at Gainesville; Biographical Souvenir of the State of Texas*, 50-51.

<sup>46</sup>James Jones, born in North Carolina in 1812, took up land for farming in Cooke County after 1850. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>47</sup>Thomas Wright was born in North Carolina in 1812 and became a farmer in Cooke County sometime after 1850. He entered active military service of the Confederacy toward the end of the war, being named a second lieutenant in Captain James Hill's company of frontier guards on January 30, 1864. *Ibid.*; Smith, *First 100 Years in Cooke County*, 44.

## CHARACTER OF COURT

The proceedings of this meeting furnish an unanswerable refutation of the charge that the Court was a self-constituted mob, and convince of their error [those] who had supposed that it was chosen by partisans in passionate haste and rashness. It was appointed after careful and mature deliberation and sustained by the calm and unimpassioned judgment of the people. It was composed of men selected from all portions of the co., not for their strong southern or secession predilections, or enmity toward Union men or those who would most likely be brought before them. But, on the other hand, they were chosen for their known moderation, intelligence and virtue as men and citizens.

What Texan, who is acquainted with the history of his country, does not revere the memory of Wm. C. Young, the talented, brave and generous spirit that presided over the meeting that appointed this Court? Who can attach to him who was so universally beloved, the ignoble purpose of attempting to sway its deliberations in a channel other than that in which a sense of duty and responsibility would naturally dictate? He offered himself a sacrifice to his country and but for the love he bore his State and his people, the writer would have been spared the penning of the bloodiest sequel of these pages.

What reader of Texas history is not familiar with the name of Montague, the chosen president of the Court? His name is associated with other scenes in the early history of his adopted State. And it is perpetuated & honored by being given to one of the counties of his adopted State in memory of his worth.

He was always distinguished whether in public or private life, his usefulness in the one only being excelled by his virtue in the other.

To show further in what estimation he was held by the people of Texas we copy the following, reproduced from an editorial in the *Sherman Texas Courier*, of date. Feby 1st 1874:<sup>48</sup>

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<sup>48</sup>The date of this item from the *Sherman Texas Courier* included in Diamond's manuscript indicates that he completed it sometime after February 1, 1874. The



## "MONTAGUE GROVE"

It is not generally known by the newer portion of our citizens, that Sherman possesses a spot sacred to the commemoration of the early struggles of Texas. But such is the case. About two miles South of the square on the high prairie just to the right of the Mantua Road stands a grove of trees, covering several acres and plainly to be seen from the northern end of the city. This grove was the scene of a fierce Indian fight in the days of the Republic, some thirty years ago. The Indians, true to their instincts, had raided down upon the frontier—then several counties east of here, and had stolen all the horses they could drive off. There was no "Government policy" to interfere and a party of settlers headed by Daniel Montague, followed on their trail and overtook them about dusk one evening at said grove where Indians were camped, waiting until dark. They came down upon the unsuspecting Indians in style that only frontiersmen can, killed quite a number of them, recaptured their stock and learned the Indians a lesson that they remembered for years. Since then the place has been known as "Montague Grove," in honor of the leader of the whites, who before & afterwards by his heroism and bravery won many an honored place among Texas patriots. He was for many years a resident of the County which was named for him, but at the close of the late war he removed to Mexico, where we believe he has since died.

Rev. John W. Hamill was a shining light in the ministry—a gentleman of fine talents and of the highest integrity. He was for many years a missionary and Government agent among the Indians, and who accomplished much toward civilizing the untutored tribes and reconcile[d] them to a friendly relationship with the whites.

Rev. Thos. Barrett, the acknowledged head of the Christian Church denomination in Northwestern Texas, is a gentleman of

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newspaper item itself recites that Montague moved to Mexico at the end of the "late war," with the editor adding, "where we believe he has since died."

Daniel Montague's return to North Texas and Cooke County in 1876 was a matter of widespread interest and a welcome surprise to the many who thought him dead. His death on December 20, 1876, at the home of his daughter, Mrs. Elizabeth Twitty, at Marysville, Cooke County, was widely reported throughout Cooke and adjoining counties, including Grayson County. It may be presumed, therefore, that George W. Diamond, then living at Whitesboro, Grayson County, completed the final draft of his account of the Great Hanging before the dramatic return and the actual death of Daniel Montague in 1876, or sometime between February 1, 1874, and December 20, 1876, at the latest.

rare intellectual endowments and highly distinguished for the religious culture of his mind.

Dr. Long is widely known as a physician of high standing in his profession.

The Jones' are men who rank among the most substantive citizens of Cooke County. Hughes' popularity has been tested by his election to the position of County Clerk in his County. Doss, Scanland, Simpson & Wright are all men of intelligence who stand high in the estimation of the people and [are] distinguished for their sobriety and good moral character.

In all the county of Cooke there could not have been twelve men selected who stand higher in the confidence and esteem of the people than the high-toned gentlemen who composed this court. It is believed they are all living yet, except the lamented president, Danl. Montague, and they still enjoy that same notoriety for honesty and integrity that characterized their lives at that time. So much then in refutation of the widespread rumor that the conspirators were hung by the rabble, or mob of lawless persons, who were prompted in their action by motives political, bigotry [*sic*] and revenge.

## ORGANIZATION OF THE COURT

The court organized at once by appointing James M. Peery and R. G. Piper clerks and Wm. W. Bourland constable. The court was then sworn by R. G. Piper, chief Justice of Cooke County, to try all cases brought before it fairly & impartially, and render its decisions according to the evidence. Whereupon it was ordered by the Court that R. G. Piper, Aaron Hill, J. E. Shegog,<sup>49</sup> & Cincinnatus Potter<sup>50</sup> be appointed and constituted an examining committee, charged to examine witnesses [and] write down the evidence, first being sworn to discharge said duties impartially and to the best of their ability.

The bare mention of the names of the officers of the court among the people where known is a sufficient warrant for the intelligence and consciencious [*sic*] regard for truth and justice on the part of those selected by the Court to discharge their important duties, in obedience to its orders.

The Court, being organized, proceeded at once to the investigation of the cases reported ready for trial.

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<sup>49</sup>A misspelling, apparently, of the name of J. A. Sheegog, who was born in Dublin, Ireland, in 1807. He appears to have emigrated to Texas about 1850, first having lived for a time in Tennessee and then in Louisiana. His occupation was farming. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

<sup>50</sup>Cincinnatus Potter was a farmer in Mississippi before he moved to Cooke County in 1858. One of the largest landholders in that section of the state, Potter also served as a county official and as commander of a company of the local militia organized to fight Indians. He later served as major in the state militia. Frank W. Johnson (Eugene C. Barker and E. W. Winkler, eds.), *A History of Texas and Texans* (5 vols.; Chicago, 1914), IV, 1681, 2072.

[TRIAL OF HENRY CHILDS]

The first prisoner brought before the Court was Dr. Henry Childs to whom reference has already been made.

THE PEOPLE  
AGAINST  
HENRY CHILDS

CONSPIRACY AND  
INSURRECTION

THE PRESIDENT—Dr. Henry Childs, you have been brought before this Court organized by the people of Cooke County charged with the crimes of conspiracy and insurrection; Have you any, or do you desire any counsel?

THE PRISONER—I have no counsel and deny that this court has jurisdiction in the case.

THE PRESIDENT. This Court is sustained in its jurisdiction by the unanimous voice of the people—are you ready for trial.

THE PRISONER—Probably as ready now as I shall ever be.

PRESIDENT—Listen to the reading of the charge—:

THE STATE OF TEXAS  
COUNTY OF COOKE

IN CITIZENS COURT  
OCT. 1ST 1862

In the name and by the authority of the people of the County of Cook [*sic*] and State of Texas, the citizens Court, duly selected, organized and sworn to examine and inquire into all crimes and offenses committed in said county and state aforesaid, on their oaths present; That on or about the 1st of September 1862 as well as long before and after that time, one Henry Childs, he then being a citizen of the county and state aforesaid, did commit the crime of treason in this that he did combine with other evil disposed persons, well knowing the design and intent of such combination, and did engage in and incite open and hostile opposition to the Civil Authorities of the said State and county, and attempted and advised resistance to the execution of the laws thereof. And that on the day and year aforesaid in the State and County aforesaid and before and after that time the said Henry Childs did commit the crime of conspiracy; in this that he did combine with other evil disposed persons, well knowing the design and intent of such combination, and did engage in and incite others to engage in and attempt to carry out the object of a certain order or organization, counselling [*sic*] and advising the killing of good citizens, the destruction of property, the disturbing of the public peace, contrary to the public safety and the peace and welfare of the people.

Danl Montague  
Prest Citizen Court



PRESIDENT. Dr. Henry Childs— You have heard the charges preferred against you; what say you, guilty or not guilty.

PRISONER—Not guilty.

N. J. Chance Sworn

QUES. by the examining committee—Do you know anything concerning a secret organization in this country.

ANS. I know of such an order existing recently.

QUES. How did you obtain a knowledge of such organization.

ANS. By being initiated and receiving the signs, grips and passwords.

QUES. Do you know what was the object of said organization.

ANS. I know the objects which all the members initiated were sworn to carry out.

THE PRESIDENT. Please state to the court how you came to be initiated—and fully & particularly all the information you may have concerning said organization, giving the clerks time to write down your statements.

WITNESS. In the month of September last, while in conversation with Col. Bourland of this County, he informed me that he and others had received information concerning a secret organization in the country and that a council had been held privately in Gainesville, and upon consultation had chosen myself as the proper person to undertake to find out the secrets of said organization, and the names of those attached to it, as he informed me, for the purpose of saving the country from disturbance and violence, and bringing the members of the Order to justice.

Acting upon this suggestion, on the 26 day of September 1862, I started to Dr. Childs' residence. Meeting him on the road, I introduced myself, and after some conversation, he asked me if I was the Mr. Chance who had recently returned from the Southern Army. After answering him in the affirmative, he asked me a great many questions in regard to the Confederate Army, its numbers, situation, prospects.

I then remarked that a friend of mine had informed me that there was a secret union or peace party existing in the country and that he (Childs) was the very man to whom my friend had recommended me for full information on the subject. I told him, if there was such an organization as had been represented to me, it was the very thing I was hunting for. We then rode some distance together and dismounted when he informed me that If I desired to receive any communications from him I would be required to take an oath of secrecy. I requested him to proceed. He then administered to me the following oath: "You do solemnly swear in the presence of Almighty God, that you will forever keep secret the information now about to be communicated to you, so help you, God."

He then continued—"My friend—I propose to tell that ours is a secret organization existing in this country, and it is believed by all good men to be necessary for the protection of life and property. Its greatest good may not be realized or appreciated for awhile; but when the northern army comes into this country, and it most assuredly will in a very short time, this organization will be the means of saving the lives and the property of those attached to it & able to give the signs, grips and passwords."

I then asked him questions generally, concerning the origin and main objects of the organization. He replied that the Order had its origin in the necessity for organized resistance to the Confederate Conscript Law, and all laws passed by the so-called Confed. States without authority of the United States, and for the safety and protection of those who maintain the indestructibility of the Union. And sustained all means and measures of coercing the seceded states into obedience and subjection to the national authority, and that having conferred with military commandants in the Federal Army, the order through them had been circulated far and wide. That the design of the Organization was to avoid fighting against the North and on the first opportunity to rise in masse and fight the rebels and drive them out of the country and take their property. He then instructed me [in] the duties and obligations of the members and gave me, in detail, the plan of the order, saying in substance that each and every member of the order should recognize each other as brothers, and when any member should be arrested by the local authorities, all the other members were required to rally to his rescue, and set him at liberty.

He said that every member had more or less of ammunition, and it was the intention to organize to [*sic*] companies and seize some public ammunition then deposited at Gainesville and at Sherman, in Grayson County—that a time had been once fixed to capture the ammunition but it was concluded to postpone it for awhile. He said the ammunition was watched very closely by members of the order, and that it was impossible for the rebels to remove or conceal it. He said that they intended to act on one of two plans; first if the Northern Army came near and the militia should be ordered out from the border counties, they were to march into the ranks organized into companies and move on cheerfully until the ammunition should be issued, and the order of battle given, when they were to rally to themselves at a certain signal from the Northern Army, and turn their guns upon the rebels, and kill them or take them prisoner.

Secondly, if this plan should not be adopted, they intended to get all things ready at a very early day and before the militia were called out, hold meetings and set a time, and at a certain hour, march to the places where the ammunition was deposited and demand it civilly; if given up, all right—if not they were to take it by force of arms in

retaliation against the rebels for seizing the forts, arsenals, arms & belongings to the United States. As soon as this was done they were to kill off the rebel party here, as there would be but few of them left, there being over two-thirds of the fighting male population of the country belonging to said order, except the soldiers then absent in the Confederate Army. He continued: "We will commence the fight here at home, against these rebels, if the Northern Army should not come in, and take such property as we may desire. Then, if unable to make a stand here long enough to cooperate with the Northern Army, we will start our families before us, and fight the rebels back until we reach the Federal lines. We have already sent messengers to our friends in the Federal Armies in Missouri and Kansas, to inform them of our contemplated movements, and assure them that a large majority of the men in this country are ready to join them, and fight by their side for the old Union and Constitution.

["]Some of the messengers have procured passports to go to St. Louis under the pretense of buying goods but their real object is to bear dispatches to the Federal Army concerning the condition of this country, and the strength of the order and its designs. We have signs, grips and passwords to distinguish us. And when the Federal Army comes in they will be recognized by, and they will know us as friends to their cause.["] I then requested him to give me those signs, grips and passwords. He replied, "I cannot do so unless you consent to be sworn again."

I requested him to state the nature of the oath. He then read over the obligation, which was written on a small piece of paper, and then informed me that if I did not wish to proceed further I could then withdraw and not be considered a member, but that the oath of secrecy must be kept sacred & inviolable [*sic*]. I informed him that I had made application to him for initiation into the Order if it turned out as it had been represented to me; and discovering that so far it accorded with my feelings, I desired to proceed. He then administered to me the following oath: ["]You do solemnly swear in the presence of Almighty God, that you will use all your endeavors to reestablish the Old Constitution and Union, and to defend and protect every member of this Institution agt [*sic*] any arrest or seizure by the authorities of this State, and stand by them to the death; and if any of the members of this Order should be killed in their struggles to carry out its objects, you will do everything in your power to defend and protect their families, until otherwise provided for, so help you God."

He told me that the penalty for revealing any of the secrets of the Order was death, and in case any of the members should betray its existence and designs, it was solemnly enjoined upon every member to hunt him or them to the ends of the world. And that the most horrible death conceivable would be inflicted up[on] those guilty of treachery.

I asked him if he had any leading men in the Order. He replied, yes, many of them, and that [they] could be admitted and invested with the signs, grip & until they had taken the obligation above given that any persons, who might give me those signs, grip and passwords, was a full member, and that any information coming from such a source I might rely upon as being correct and legal. Here he gave me the signs, grip and passwords. (The witness here gave the Court the signs, grip and passwords as received from the accused.)

He remarked that the members of the Institution had been forced to take the oath of allegiance to the Confederacy, and that they did not consider it binding—that Jeff. Davis with his rebel army had, in their acts, been worse than murders and thieves [*sic*—that he and his army would soon be compelled to surrender; in no small degree, by the means and influence of the order—that the organization was spreading rapidly through the Southern Army—that they were six hundred strong in the city of Austin—that they were very strong in Grayson County; that a majority of the men in Sherman (except the soldiers) belonged the Order—that they were quite strong in Collin County, and in many counties in North Texas.

He then informed me that I might consider myself fully initiated and authorized to initiate others—such of my friends and acquaintances as I thought would do. I desired to have my brother, Joseph C. Chance, initiated. He regarded the proposition with serious doubts, saying my brother had been a rabbid [*sic*] secessionist and rebel. I allayed his apprehensions by telling him that my brother had changed in his political sentiments, and that he was willing and anxious to join. He gave me permission to initiate him. I requested him to do so, and on the following day he initiated my brother in my presence, repeating to him the same in substance, as have stated.

The prosecution here tendered the witness to the accused.



## CROSS EXAMINED

QUES. by accused. How do you [know] that there was a secret organization as stated?

ANS. By being initiated by Dr. Henry Childs, representing himself as an initiating officer, from whom I learned the secrets, plans, etc.

QUES. Did you learn anything concerning this Order from any others of its members, if so, state what you heard.

ANS. I cannot say that I learned anything further than stated from other members, but I have the same signs, grip and password received from Dr. Childs given me by quite a number of men in this county. I answered the signs and was recognized as a member in good and regular standing. And since the arrest and the members of the Order have learned of my exposition of the plot, they have talked to me in prison freely, in regard to their plans and some of them stated they were initiated by the accused, Dr. Childs.

A. D. Scott<sup>51</sup> Sworn

QUES. Do you know of Dr. [Henry Childs].

ANSWER. I was sworn into this organization by Dr. Henry Childs. I took an obligation to keep secret all information given me and to fight for the establishment of the Old Constitution, and defend the members of the order and rescue them from prison. He gave me the signs, grip and password, and said the punishment of revelation was certain death. He said the object was to drive the rebels out of the country or kill them, and that the first thing to do was to get possession of plenty of ammunition—that there was a quantity of powder in Gainesville and a load on the way from Jefferson and probably had arrived in Sherman. I do not remember the day I was initiated. Dr. Childs stated the attack might be made the next night to get the powder. He said the signs would protect us when the Northern Army should come in, and enable the members to act together in any emergency.

THE COURT. Dr. Henry Childs, Do you know of a secret organization in this county, of the character referred to by the witness.

ANS. I know there is a secret organization in this country organized for the purpose of protecting life and property and to prevent the shedding of blood, mobs, Jay-hawking, etc.

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<sup>51</sup>A. D. Scott, one of the prisoners tried before the "Citizens Court," was born in Kentucky in 1821 and came to Texas, probably by way of Tennessee, sometime before 1860. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library), family no. 389.

QUES. Does this organization have signs, grips and passwords by which the members know each other?

ANS. It has not.

The testimony here closed, the prisoner is found guilty and the accused remanded to prison.

Being brought before the Court a second time to receive his sentence, he requested the privilege of correcting his former statements. Being again sworn he deposed as follows:

"There are signs, grips and passwords in the Order which will afford protection when the Northern Army comes in, and by which the members know each other["].

THE COURT. Henry Childs, you have been tried upon the charges preferred against you, by twelve men selected from among your neighbors, and by them you have been found guilty. This court has endeavored to extend to you every right and privilege known to the laws of the laws of the County. That it has acted fairly and impartially in all its proceedings, and has shown no disposition to abuse the extraordinary powers granted to it by the people, themselves your neighbors, we feel assured will not be questioned by any one, not even yourself. We feel the grave responsibility resting upon us and have pursued with solemn and melancholly [*sic*] step the path of duty assigned us. Although our proceedings have been conducted in the midst of considerable confusion and excitement, we have not shared its influences to that extent privileged to those who have lighter and much less serious obligations to discharge to the people. Those on the outside have performed their duty—Ours yet remains to be done. Theirs was a duty of *actions*. Ours is a question of conscience. Theirs was a matter of personal safety, while ours involves the life or death of a fellowman, our neighbor. Having discharged their duty faithfully, we must discharge ours conscientiously [*sic*]. You were duly notified of the charges preferred against you, and on the trial was confronted with all the witnesses against you. The truth of their statements you did not only fail or attempt to disprove, but now come before us and acknowledge them correct. And if true and correct, they place you beyond the protection of any law known to the civilization of the present day. In the discharge of our last said duty to the people, let us assure you that you may not expect reprieve or extenuation of the judgment now about to be pronounced, and while it is yet time, may you use it in an assiduous effort to prepare for Eternity. This world is but of to-day—the one beyond, that of forever; and may you, in expiating the crimes against the laws of mankind, propitiate and appease the anger [*sic*] offended majesty of the Great Lawgiver of the Universe. In accordance therefore, with the decision of this Court, you will be taken from your place of confinement, on the 4th day of

October '62 between the hours of 12 and 2 o'clock of said day, and hung by the neck until you are dead, and may God have mercy on your soul.

The prisoner listened to the sentence attentively, without seeming to fully appreciate or comprehend its meaning in all its terrible reality. Though evincing much concern at the strange and peculiar surroundings he appeared not to realize his situation, and the full import of the fatal words addressed to him. This strange indifference may reasonably be attributed to the novelty of the proceedings, and a still bouyant hope that some fortuitous circumstance would intervene in his favor, and screen him from the gallows.

Being the first one tried, he was not aware of the determined and resolute character of the tribunal which had condemned him to death. He probably cherished the delusive hope of rescue or deliverance until brought to the place of execution.

## EXECUTION OF DR. HENRY CHILDS

Full preparations having been made previously, he was taken in an open carriage surrounded by the guards to a large widespread elm tree, about one half mile East of the town of Gainesville, which then formed the centre of a large concourse of citizens resting upon a file of soldiers forming a hollow square. In sad and gloomy silence the cortege moved slowly through the rushing, crowding throngs of people, the carriage finally halting immediately under a large strong limb branching out at right angles from the trunk of the giant elm. To this limb a rope was attached and the pendent end adjusted around the neck of the condemned man. In the meantime he began to realize his situation and to feel the force of the address of the president of the Court. The mockeries of this world began to fade from before his view and the dim outline of the new and unknown to peer above the horizon of Time's limited boundaries. The prospect of so sudden a change shook his strong frame with fear; while pale and trembling he listened to the last earthly voice, a death knell, sounding the  
Warrant of Execution

THE PEOPLE  
AGAINST  
HENRY & EPHRAIM CHILDS

CONSPIRACY  
INSURRECTION

Capt. A. Boutwell,<sup>52</sup> You are hereby authorized and commanded in the name and by the authority of the people of the County of Cooke and State of Texas to take into custody the body of Henry Childs and him safely keep until the 4th day of October 1862, and at 2 o'clock p.m. on said day you will execute the sentence of this Court, by hanging the said Henry Childs by the neck until he is dead dead dead. And may God have mercy on his soul.

Danl Montague, Prest.

The carriage was then driven from beneath the limb, and in a

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<sup>52</sup>Alexander Boutwell, the first sheriff of Cooke County, was born in Arkansas in 1825. He was a member of the Peters Colony and took up land as a farmer in Cooke County before its organization in 1848. Connor, *The Peters Colony of Texas*, 197; Smith, *First 100 Years in Cooke County*, 13; U. S. Seventh Census, 1850 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library), family no. 2.



moment more the body of Henry Childs dangled in the air, while the branches of the obstinate and unyielding elm trembled like an aspen under the weight and shuddering motion of the dying man.

After life became extinct the body was taken down and placed in possession of the weeping family and friends, who with appropriate ceremonies gave it decent sepulture.

Thus died Dr. Henry Childs. He came from Missouri to Texas, but a few year anterior to the War between the States and was regarded by his neighbors as a man of upright deportment, and possessing a degree of intelligence above mediocrity. It cannot be said of him, however, that his conduct & associations were of that kind to warrant an opinion in his favor, beyond a mere negative conception of the man as an individual having the mind undecided as to his character.

His countenance was of that peculiar cast, calculated to create vague conjecture as to whether he might be a man prone to good or evil. About forty two or three years of age, stout [of] build though not corpulent; shoulders slightly stooped, brown hair, and blue eyes, he seemed the embodiment of good health, and but for his connection with this "Order," might have lived an honorable and useful life.

After he had sworn in Col. Chance, he was told by his best friends & members that they were fearful that he had dug the pit for their destruction—that they feared Chance's treachery, knowing him better than he (Childs) could possibly know him. He persisted that Chance had been sufficiently wrought upon to change his mind, and that he entertained no question of his good faith and integrity. After being arrested he talked freely with Col. Chance & appeared to harbor no ill will or revenge against him.

He made no confession of guilt, beyond a determined purpose to resist all Confederate laws and to aid the Northern Army whenever an opportunity offered, let it cost what it might in carrying out such a purpose. He indicated no disposition to communicate anything regarding the "Order," and though positively denying that it had signs, grips and passwords, without any interference on the part of others, requested the privilege of withdrawing this statement and giving an affirmative answer to the question. It had never been ascertained what induced him to make this statement

willfully false, and afterwards desire to correct it. He died with the secret in his soul, and is known only to the great Searcher of all hearts.

Drawing the mantle of charity over his deeds and his life, let his body rest beneath the green prairie sod, in peace, and let those who cherish a memory of his faults also remember that; To err is human—to forgive, divine.

## COL. N. J. CHANCE

The testimony of Col. Chance, while applying directly in the trial of Dr. Henry Childs, sheds much light upon the whole plot of the conspirators.

From his evidence, it is plain to be seen that he was the right man for the discharge of the hazardous work assigned him. From first to last he stood by the citizens, and to his caution, courage and integrity may in a great measure be attributed the success of the plans to check the progress of the "Order." He was a man of only a short residence in Texas, but volunteered in the Confederate service at the beginning of the war. Possessing a sound and discriminating judgment, he was nevertheless uneducated. He was quite communicative in his disposition, and in his intercourse with friends frank, open and candid. Kind in his nature and generous beyond his capacity to give and bestow.

Many of the accused called him to their side while in prison to ask his advice, and to aid them in presenting their defense to the Court, while many under the gallows addressed their last words to him as a friend, none seeming to remember him as the prime author of their ruin.

At the close of the war, many speculations were indulged in on the subject of the dangerous position he occupied, many prophesying that he would fall a sacrifice to the revenge of those whom he had betrayed. But so far from this being the case, no citizen seemed more indifferent upon the subject of his personal safety; though in a short time after quiet had been restored, he with his family and brother removed northward. In giving his testimony before the Court, the accused would give his statements the closest attention, and in no instance did they attempt to deny his answers. They all accorded to him honesty and veracity.

## [TRIAL OF] EPHRAIM CHILDS

Ephraim Childs, brother of Dr. Henry Childs, the first member of the order to uncautiously and unwittingly expose its existence and designs, was the second brought before the Court for trial. He was regarded as among the zealous and active members of the "Organization" and was often appealed to for counsel and assistance when the interests of the organization were in any way involved. His over-zealous conduct and premature revelations of the designs of the "Institution" opened the way to detection and final ruin of himself, his brother & his friends.

THE PEOPLE  
VERSUS  
EPHRAIM CHILDS

CONSPIRACY AND  
INSURRECTION

Being brought before the Court and the charges read, he entered the plea of not guilty.

J. B. McCurley sworn.

[WITNESS.] Some time in the month of September last, I met the accused at the hotel in the town of Gainesville, Cooke County, Texas. He asked me if I did wish to go into a society for the good of the country, and continued by asking me if I were not a good Union man. I told him I had been one. He then said let us go into the room. It may be you are one still. After entering the room he gave me signs, which I did not understand, and of course could not answer them. He walked out of the room, remarking "You know nothing about it." He said if I desired to know all about it, his brother, the doctor, was one of the head men in the Society, and would take pleasure in initiating me. He stated that these d——d rebels about town (and there were a good many of them), had a large quantity of powder, and that they intended to have it. And that very soon. He said the order had signs grips and passwords by which they knew each other and that the order was spreading rapidly, & insisted that I should see his brother and be initiated.

W. W. Reeder Sworn.

[WITNESS.] Ephraim Childs informed me that his brother, Dr. Henry Childs, was invested with full authority to initiate persons into this secret organization. He gave me the signs, grip and password. (Witness then gave them to the Court, which were recognized as being those of the "Order.")



Dr. Henry Childs Sworn.

[WITNESS.] I initiated my brother, E. Childs, into this secret Order, of my own choice, and gave him the signs, grip and password.

A volume of evidence might be introduced to show the active connection of Ephraim Childs with the "Order." The main features of the testimony in this case being about the same as those exhibited on the trial of Dr. Childs, it is not deemed necessary to repeat here, in detail, the long and connected chain of circumstances which placed the accused beyond the hope of acquittal [*sic*].

DECISION OF THE COURT

The prisoner, Ephraim Childs, is found guilty, and is sentenced to be hung on the 4th day of October 1862 at 2 o'clock p.m. of said day until he is dead.

Daniel Montague  
Prest Citizens Court

## DEATH WARRANT

Capt. A. Boutwell: You are hereby authorized and commanded in the name and by the authority of the people of the County Cooke and State of Texas to take into custody the body of Ephraim Childs and him safely keep until the 4th day of October 1862, and at 2 o'clock p.m. of said day you will execute the sentence of this Court, by hanging the said E. Childs by the neck until he is dead.

Daniel Montague  
Prest. Cit. Ct.

While sentence was being pronounced he remained quiet and apparently unmoved by the solemn warning given him by the venerable president. Like his brother, he remained true to the oaths he had taken and refused to make any confession or statements regarding the order, as he had been advised to do by many of his fellow prisoners.

He was several years the junior of his brother, and a man decidedly more affable and companionable. He was a man of strong will, obstinate and unyielding when opposed, and dangerous when angry. He appeared, as did his brother, to take no notice of his critical situation until near the closing scene of his mortal existence.

## [TRIAL OF A. D. SCOTT]

THE PEOPLE  
VERSUS  
A. D. SCOTT

CONSPIRACY AND  
INSURRECTION

THE PRESIDENT—A. D. Scott—You have been brought before this Court charged with the crimes of conspiracy and insurrection. Are you now ready to hear these charges read and defend yourself against them?

ACCUSED. I am ready to be tried, though I have no defense to make.

After the reading of the charges and questions as to his guilt or innocence, he said:

I belong to a secret order known by its members as a Union party. I know of no other object than that we were to fight for the Union, & in doing so, were to take possession of the country, and kill those at home who did not favor our purpose, as I stated in my evidence on the trial of Dr. Henry Childs.

I engaged generally in the meetings and took part in the business of the Order generally. My understanding was that we were to resist the Conscript law, and all laws passed by Confederate authority. I do not know what was the object or intention of others, only as I obtained information on the subject of the order in our meetings. I received the signs, grip and password. This is all I know in regard to the Order. And if I am judged guilty by these statements, why, then I am guilty. If these statements condemn me, I shall not regret that I made them. I make them voluntarily, and desire that they may be used only against myself, without prejudicing the cause of others.

THE PRESIDENT. Then do you want the Court to understand that you plead guilty to the charges.

THE PRISONER. I wish the Court to understand the statements I have made, and if they sustain the charges I have no doubt that the Court will adjudge me guilty. I not I hope to be released [*sic*].

THE PRES. Do you wish to introduce any witnesses in your defense.

PRISONER. I do not. I see no use in introducing any testimony in my own behalf, as it would be impossible to obtain the evidence of any witness better acquainted with the facts than myself, and they are as I have stated to the Court.

He was found guilty and sentenced to be hung. Arriving at the place of execution he confessed his guilt and exhorted the

people to continue their work to break up the "Order," which had so ignominiously terminated his existence.

He viewed calmly the preparations for his execution. And when the last awful moment arrived he jumped heavily from the carriage; and falling near three feet, dislocated his neck, he died without the violent contraction of a single muscle.



[TRIAL OF] M. D. HARPER

THE PEOPLE  
vs. M. D. HARPER

CONSP.  
& INS.

After hearing the charges read, and being asked the usual questions, he answered, "Not guilty."

Henry Childs Sworn.

[WITNESS.] I was initiated into this secret organization by the accused, M. D. Harper. He told me what the designs of the Order were, what it proposed to accomplish & what it ultimately hoped to attain—the overthrow of the Confederacy, and the establishment of the Old Union and Constitution.

W. W. Johnson Sworn.

[WITNESS.] I belong to a secret society. My first information of the order was received from Enoch Welch, who told me I could get into the Society by applying to the prisoner, M. D. Harper. I visited Mr. Harper in company with Welch, and I requested him to tell me all about the organization, its objects, etc.

He said, above all things, we were to stand by and take care of each other and if any of the members should be arrested or taken up, we were to rescue them. He said we were to bring this war to a close—and said something about reinstating the old Constitution. He then administered to me an oath to keep secret everything told me. I took another oath finally but do not know exactly what it was. I will say as near as I can that the oath was to band together for self defense against the secessionists, protect each other and hunt down any traitor to the cause. He gave me signs, grips and passwords. I heard some hints of a correspondence between the Northern Army and our Order, and was told by Harper that the signs were to protect the members when the Northern Army came into the country. We were to get ammunition at Gainesville, Sherman and fight our way out of Texas if we could not hold the country. If we could hold the country, the rebels were to be killed or driven out, and we were to take possession of their property.

At this stage of the proceedings the Court adjourned, and upon meeting again Harper made full confession of his guilt. He said:

I entertain the highest respect for the opinion and judgment of this Court. I sincerely acquit you of any attempt to do me any injustice

and commend you to the confidence of my neighbors and yours for this fearless performance of your duty. I humbly beg your forgiveness and the pardon of those whom I may have wronged by my connection with this order.

I done all in my power to further and promote its objects. I was a Union man and desired the restoration of the old government, and I am now grieved to know that my efforts to resist the march of secession have led to results ruinous to the peace and happiness of the community in which I live.

I did not think a desire or an honest effort to reestablish the Union could be termed criminal; but the order soon discovered that its organization would result in failure unless certain steps were taken to reach the end contemplated. The measures adopted to carry out its designs, I am sorry to say, if successful, would have terminated in crime and bloodshed, and the destruction of property.

I hope the people will forgive me for aiding and advising the cause pursued by the order, though many of its acts and the conduct of many individuals I did not approve. I can only say that I deeply regret the past and, if spared, I hope to strive to redeem my character by better conduct in future.

He was found guilty and listened to the reading of his sentence with calm and stolid indifference, but when retiring from the court-room he assumed an excited and defiant appearance, exhibiting the true character of his disposition—bold, determined and undaunted in time of peril. Although about forty-five or fifty years of age, he had little of his manhood. He was tall, rawboned, strong and active for a man of his age; and being resolute and uncompromising in whatever he undertook, he was regarded as one of the main pillars of the society. He was very officious and active in his duties as a member of the "Order," as will appear hereafter on the trial of others. His arrest caused several meetings of the different companies to systematize a plan for his release; but the scheme failed in consequence of the prompt organization of the citizens.

Like Dr. Childs and others who were convicted and hung, he seemed to place his reliance in the success of the Union Army and to console himself in his crimes with the reflection that no act could be termed criminal per se which was the necessary result of a purpose to aid the Federal Army in reestablishing the old Constitution and Union. He hints this belief very strong in his statement to the Court. To this shrewd subterfuge to avoid con-

viction he was probably indebted to Dr. Childs, for while Childs was much less active and zealous than Harper, he done the thinking for those acquainted with him, while they done the work of the order. Childs, after being condemned by the testimony of unimpeached witnesses, clearly connecting him with the darkest designs of the conspirators, could only say in his testimony against Harper that he only told of a purpose to overthrow the Confederacy and reestablish the Union. Childs being initiated into the "Order" by Harper, and only instructing him to the extent stated by him to the Court.

At this trial of Harper, does it not appear strange to any sound mind that Childs should give in detail the designs and the objects of the "Order" more comprehensive as well as more heinous in their character? This version of the order of things would present the strange anomaly of the creation being endowed with more power than the creator. Harper did tell Johnson however, that they were to kill the rebels or drive them out of the country, and take their property. Upon the evidence of Johnson and the confessions of the prisoner himself, the Court could only do as it did and find him guilty and sentence him to be hung.

After the bodies of Henry and Ephraim Childs had been removed, Harper was conducted to the place of execution and there in the midst of a multitude of people and a weeping family remained unmoved, and obeying the directions of the executioner in a business-like manner stepped off the carriage, and in a minute more nothing but the perishing mortality of M. D. Harper was left on earth.

Whatever his errors or crimes may have been, let his dust rest in peace, and a spirit of sincere remission linger about his house and lowly bed.

[TRIAL OF HENRY FIELDS]

THE STATE  
vs.  
HENRY FIELDS  
(SHOE MAKER)

DISLOYALTY, &  
TREASON.

Henry Childs sworn.

[WITNESS.] I iniated [*sic*] the prisoner Henry Fields into this organization.

J N. Helm sworn.

[WITNESS.] In a conversation with Henry Fields recently he stated that he was in favor of the North. On one occasion he said, if the Conscript Law was raised to include men of his age, he would hang before he would fight. I remarked that if he should see the rope coming, he might probably change his mind.

He replied, "I would hang." He also stated, that he endorsed the proclamation issued by Maj. Genl. Butler, U.S. Army, upon his occupation of the city of New Orleans. I borrowed a newspaper containing said proclamation from the prisoner, who requested me to return it as he wished some of his family to read it.

THE PRISONER. I do not belong to a secret organization having for its objects the overthrow of the Confederate Government and the reestablishment of the Old Union.

Being brought before the Court a second time, he deposed as follows:

[“]I was partially initiated by Dr. Childs, but refused to take the degree in full; but afterwards did go through.”

He was found guilty, and hung.

Fields was called by his neighbors a *clever* man, and a useful citizen. His implication in this secret and wicked plot astonished the people, more perhaps, than any others.

After being sentenced he made full confession of his guilt. When brought to the place of execution, addressing Col. Chance, he said:

I am guilty of the charges against me. I am guilty of whatever criminality may be attached to this organization. I am guilty of disloyalty and treason against this government, of a purpose to subvert and destroy it.



The punishment before me seems awful to him who is about to suffer it. But it is due for the crimes I have committed. My crimes have been many and great; and I am sorry, that they have been so great that I cannot hope to obtain forgiveness from the injured people. I think the people and jury have done their duty, so far. I hope they will continue their work, until every one that belongs to this order shall be brought to justice.

Tell the Jury their verdict is a just one approved by me and sanctioned by high Heaven. Tell them, I thank them, and accuse them of no injustice; but, that I acquit them, as I do all mankind, of any wrong done me.

I hope the people will not remember my transgressions against those who bear my name, and are attached to me, by kindred ties. Let them rather favor the kind offices of charity in washing away the stain and rewarding memory with whatever virtue there is in the deepest contrition of spirit; try to forget how I have lived, but remember that at least I *died* humbled and penitent.

His last words to the people, were: "Go on with the work you have so fearlessly begun."

[TRIAL OF I. W. P. LOCK]

THE STATE  
vs.  
I W. P. LOCK

DISLOYALTY &  
TREASON

I. H. Mounts<sup>53</sup> sworn.

[WITNESS.] I was sworn into this society, by I. W. P. Lock. At the same time, he swore in P Q Russell, Wm Anderson,<sup>54</sup> George Anderson, John Tourly, and Richard Anderson.

E. F. Anderson sworn.

[WITNESS.] I know of a secret organization in this country. The prisoner, Wm Lock, told me it was to afford us protection when the Northern Army should come in. Mr. Lock gave me the signs, grip, and password. Lock told me that we were to get powder at Sherman. The design of the organization, was the reconstruction of the old Constitution, and Union.

THE PRISONER. Jackson Mount swore me and I swore him into this organization. I introduced the password "Arizina," and the signs, and grips of the order. Mount and myself were the first starters of this order. I have heard that there was an organization to break up both armies. I have heard since that it was the same as this; and that the signs and password would protect us when the Northern army come.

Mount and myself took two oaths. We were to kill, or assist in killing, every man who should reveal either the existence of the order or its plans and designs. I advised my men, (Lock had a company,) not to go to the war.

Dr Eli Thomas sworn.

[WITNESS.] In a conversation with the prisoner last night (in person) I made a *clean breast* of the whole matter. Lock said he had scruples about doing so himself, on account of the oaths he had taken in the order.

He was found guilty and hung.

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<sup>53</sup>A misspelling, apparently, of the name of Jackson H. Mounts, a member of the Peters Colony who moved to Texas before 1844. He was born in Illinois in 1823. He was a resident of Collin County in 1850, being listed in the census for that year as family no. 312. Connor, *The Peters Colony of Texas*, 347.

<sup>54</sup>A "William Anderson," twenty-seven-year-old farmer born in Tennessee, is listed in the U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library).

After he was condemned, his fellow prisoners urged him to confess his guilt and make a *clean breast* of it, as most of them had done. He was sufficiently wrought upon to induce him to send for a minister of the Gospel to advise him in the matter. He sent for the Rev. Wm. Hamill and the Rev Mr Barrett, both members of the Jury. He laid before [them] the oaths he had taken, his action under them already developed, and the state of his mind in reference to a revelation of all the plans and designs of the "Order."

They assured him that they did not desire to sit upon such a delicate question; it being as far from their wish, as from their competency to decide matters of conscience for other men—that they, also, were members of the tribunal who had condemned him to die, which fact, alone, seemed [to] be sufficient to disqualify them for such a delicate trust. He refused to entertain these excuses saying; that he had ever known them to be good men and, more recently while on trial for his life, he had discovered them to be men of upright judgments, and he believed had done Justice between him and the country.

They told him that the crime for which he had been condemned consisted in *going into* the society, that the crime consisted in taking the oaths, in the first instance; and in no wise could he be held responsible, as a moral being, for *going out* of the order, no matter what revelations might become necessary in his abandonment of an association which, by the laws of the land, had been held to be criminal and desperately wicked. With this, they introduced the doctrine of repentance as taught by the Bible and left him a victim to his own melancholly [*sic*] reflections.

He continued from time to time, to defer making any revelations until the hour arrived for his execution; and notwithstanding the repeated efforts to relieve his mind of any doubts as to his moral obligation to reveal the names and secrets of the "Order," he died with his fidelity to the cause only partially shaken.

His own statements before the Jury were disconnected and evidently showed a disposition to evade the truth. He spoke boastingly of himself as being the author of the main secrets of the order; but afterwards admitted that he *heard* the signs, grip, and password were the same in the Northern wing of the "Order."

From other facts, it is clearly ascertained that he is not entitled to the distinction he claims in the order. His conduct throughout revealed all the elements of a depraved nature, and he died upon the tree exhibiting that defiance of death that usually seizes hold on the last moments of a depraved, wicked, and abandoned heart.



[TRIAL OF W. W. MORRIS]

THE STATE  
vs.  
W. W. MORRIS<sup>55</sup>

DISLOYALTY &  
TREASON

[THE ACCUSED] plead [*sic*] guilty, making the following statement to the jury:

I was initiated into this secret organization by M. D. Harper. This organization has for its object the reconstruction of the old Constitution and Union of the United States. I was sworn to secrecy, in the first place, with old man Wernell and Floyd. And, secondly, I was sworn to do every thing in my power to reconstruct the old Union and reinstate the old Constitution Harper gave us the signs, grip, and password. He informed us that the organization originated in the Northern Army, and was sent South. He told us of the plot to procure powder at Sherman. We were told that we would not have to fight against the North. The powder was to be used against the South.

He was found guilty and hung.

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<sup>55</sup>"Wesley Morris," thirty-two-year-old farmer born in Tennessee, and "William Morris," fifty-year-old farmer born in Georgia, are listed in the 1860 federal census for Cooke County. *Ibid.*

*originated in the northern army*

[TRIAL OF RICHARD ANDERSON]

THE STATE  
vs.  
RICHARD ANDERSON

DISLOYALTY &  
TREASON

The evidence against this prisoner being the same in substance as that against Harper & Lock, it is deemed unnecessary to repeat it here. He was found guilty, and after [being] sentenced to be hung, made full confession of his guilt.

[TRIAL OF ELI THOMAS]

THE STATE  
vs.  
ELI THOMAS<sup>56</sup>

DISLOYALTY &  
TREASON,

The testimony against Dr. Thomas being the same as in the foregoing trials, he was found guilty, and after being sentenced to die, he addressed the Court the following letter:

Gainesville Texas  
Oct 18th 1862

To the Honorable Court of  
Inquiry, sitting at Gainesville

I request the Honorable Court to reconsider my case. The evidence given by Wett, if given correctly, would be decidedly in my favor. If I were permitted to appear in Court with Wett, Peters, Hays & Crisp, I think I could convince the Court that I am not so bad a man as the Court takes me to be.

The intention of others, I cannot help. I want every man brought to justice; and will pledge myself to do all that I can to search into, and expose, the low cunning of man, if I am released. I am willing to have 'Squire Martin,' 'Squire Helm' and others of my neighbors to look at my former conduct. My last will and testament is that I will be true to my Country.

My interest is here. My protection is the law, and I intend to be subject to the laws that be; for it is ordained of God. My book teaches this. If I have had bad designs, I call upon God to take that part from me; which he has promised to do, to those who love him.

Eli Thomas

Before his death, he confessed his guilt, and entreated the other prisoners to do the same thing; telling them that it was an awful thing to die, but more awful still to die with a lie in their mouths.

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<sup>56</sup>Dr. Eli Thomas, a physician born in Ohio in 1823, moved to Cooke County prior to 1860. He had lived previously in Kentucky and Iowa. *Ibid.*

[TRIAL OF EDWARD HAMPTON AND JOHN A. MORRIS]

THE STATE  
vs.  
EDWARD HAMPTON  
AND  
JOHN A. MORRIS

DISLOYALTY &  
TREASON

The testimony in these cases is the same as in its preceding trials. They were all found guilty by the Court, and at the gallows they acknowledged their crimes, and exhorted the people to continue the work to break up the order that had so ignominiously terminated their existence.



[TRIAL OF JOHN M. CRISP]

THE STATE  
vs.  
JOHN M CRISP<sup>57</sup>

DISLOYALTY &  
TREASON

Eli Thomas sworn.

[WITNESS.] John M. Crisp swore me into a secret organization having for its object the reconstruction of the old Constitution and Union. He gave me the signs, grip and password.

Crisp, himself, when brought at before the Court, admitted that he had been initiated into the organization. Pending his trial, he addressed the Court the following letter;

Fully believing this to be the last time that I will be permitted to communicate with the Honorable tribunal by which I am to be tried, I adopt this method to do so; and for this reason: Having never before been brought before a Court, and my natural disposition and constitutional powers being so framed, the presence of that august body has the effect to scatter my mind. And while in your presence I cannot collect my thoughts, I will now make in writing these further statements in behalf of my injured Country:

Some time in the month of August, 1862, Dr Thomas, and Parson Baker, came to my shop; and being there a short time, went out and seated themselves some distance from me. They returned and requested me to initiate him (Thomas), I understanding him to mean, to enter as a member into the Secret institution to reinstate the old Constitution, I refused, pointing to Baker, [and] told him to get Baker to do it. Thomas laughed, and said no; but for me to do it. I told him I was awkward but would do the best I could. Not having a regular form of oath, I framed one, in like manner, as I have stated before your Honors heretofore; giving him the signs, grip, and password. Parson Baker and myself, about one week before the above stated time, were initiated by Dr McCarty. McCarty told Baker he could initiate also.

A few days after this I was informed that each member had the right to initiate his neighbor. I have initiated six persons, in all, to-wit: Sam'l Crisp, H. J. Essman, Eli Hinkle, I. M. Baily, Mansell Baily, and Dr Eli Thomas. I suppose Essman and Hinkle are not yet ar-

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<sup>57</sup>John M. Crisp, a blacksmith, emigrated to Texas, probably by way of Missouri, prior to 1860. He was born in Kentucky in 1824. *Ibid.*, family no. 407.

rested. Dr Thomas informed me that he had initiated an old man, by the name of Parson Howard.

I desire to explain one other thing, which I named to one of your honorable body just as I left the jury room. James Harryman came to my house the day before I was arrested and informed me that they had held a secret meeting, and said that Capt. Garrison, or Lock, had been to a Mr Love's in the Chicasaw [*sic*] Nation and had initiated him; and that he had plenty of powder that the order could have whenever they wanted it. And now, I acknowledge my wrong and implore you that while examining the testimony I have given, if I have, or seemed to quibble, I pray you to remember the situation of my mind, and deal with me in mercy.

John M. Crisp

After being condemned, he again addressed the Court as follows:—

Gainesville, Oct. 18th 1862

To the Honorable Court  
now in session, at Gainesville:

Whereas, through the mercies of Almighty God, and the Court, my life has been prolonged to this present time, I greatly desire the patience of the Court, yet a little longer.

I hope the Court will condescend to hear my imperfect petition and offered obligations to my injured country. I do not expect to influence you; but implore you, for mercy—that my life may be spared.

First, if in your wisdom and mercy you see fit to spare my life, and I ever again show any signs of not being true to our Southern Confederacy, then I will not plead for mercy any more; but will submit my life, to pay the forfeit.

Secondly, I desire to be placed under the watch-care of some of our truest and best Southern men, that they may from time to time examine into my conduct; and if they find any thing wrong, report me forthwith.

Thirdly, I am willing and anxious at any time to do any thing in my power to sustain the independence of our Country. And forthly, if we can have any correct of the future by the past, I would refer your honorable body to Capt. Roff, Harry Howeth, W. B. Magill, Joseph Martin, Wm. West, and Charles Hibert, and let them say what my actions have been heretofore in giving aid to the volunteers. I now submit by begging your forgiveness for the wrongs which I may have done; and I promise you that if my life is spared, I will never commit wrong again.

John M. Crisp

He was hung in accordance with the sentence of the Court and, no doubt from the record before us, died a much better man than he had lived.

[TRIAL OF SAMUEL CARMICHAEL]

THE STATE  
VS.  
SAMUEL CARMICHAEL<sup>58</sup>

DISLOYALTY &  
TREASON

It is in evidence that Carmichael was well informed as to the objects and purposes of the organization, but the testimony does not develop the fact that he was ever sworn in. When the detail was made to go to Fort Cobb during the Indian excitement in that quarter, Carmichael peremptorily refused to go, saying that he would fight to the death at home, first.

He was an outspoken enemy to the South and, in every way, considered a dangerous and bad man in Society. He was found guilty and hung.

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<sup>58</sup>Samuel Carmichael, a carpenter born in Tennessee in 1821, settled in Cooke County prior to 1860. He probably had moved to Texas by way of Alabama. *Ibid.*, family no. 33.

[GROUP TRIAL]

THE STATE

VS.

C. A. JONES, ("HUMP BACK") JAMES POWERS  
("CARPENTER") ELI M. SCOTT, THOMAS BAKER  
("OLD MAN") GEO. W. ANDERSON, ABRAHAM  
MCNEESE, HENRY COCHRAN ("30"), C. F.  
ANDERSON, WM WERNELL, B. F. BARNES ("35 OR  
40") WM RODES, AND N. M. CLARK ("25")

DISLOYALTY, &  
TREASON

The testimony against the above mentioned conspirators corresponds with the testimony herein before produced on the trial of Childs, Fields, Harper, Lock, and others. They all acknowledged their connection with the organization, and made full confession of their guilt at the gallows.



[TRIAL OF RAMEY DYE]

THE STATE  
vs.  
RAMEY DYE.<sup>59</sup>

DISLOYALTY OR  
TREASON

Arphax Dawson<sup>60</sup> Sworn

[WITNESS.] Ramey Dye came to my house and told me that M. D. Harper had been arrested on the charge of being connected with our society; and that there would be a meeting held that night, (1st Oct. 1862) near Lattimer's and Richie's steam mill, for the purpose of consulting how to rescue Harper. He wished me to attend and bring my gun, which I did. The meeting was attended by Ramey Dye, John M. Wiley,<sup>61</sup> Isham Welch,<sup>62</sup> Wm Boyles,<sup>63</sup> John Ware, H. Gilman, Robt Duncan and others. He talked about the rescue of Harper. We came to the conclusion that the force at Gainesville was too strong for us to accomplish our purpose.

Ben F. Barnes sworn.

[WITNESS.] There was a meeting at Steam Mill last Wednesday night. Some members observed we had better go to the Northern army where we could fare better. They were to hold a meeting the next night, somewhere. Ramey Dye was appointed captain. The meeting was to be held in the bottom of Jordan Creek, near Alveads.

I. W. Morris sworn.

[WITNESS.] I was at the meeting at Richie's Mill. Dr. Foster said the object of the meeting was to rescue Harper; and he wanted

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<sup>59</sup>Ramey Dye, a farmer, was born in Kentucky in 1819 and migrated to Cooke County sometime before 1860. The author of this narrative noted beside Dye's name in the manuscript: "Guarded the others (prisoners) for several days." *Ibid.*

<sup>60</sup>Arphax Dawson was born in Georgia in 1805. He was one of the first settlers in Cooke County. His daughter Mary was married to Ramey Dye. Smith, *First 100 Years in Cooke County*, 135.

<sup>61</sup>John M. Wiley was born in Tennessee in 1815 and moved to Texas in 1854. Landrum, *Grayson County, An Illustrated History of Grayson County, Texas*, 175.

<sup>62</sup>Isham Welch was born in Missouri in 1826 and moved to Grayson County, Texas, in 1856. *Ibid.*, 173.

<sup>63</sup>William Boyles was born in Kentucky in 1826 and migrated to Grayson County, Texas, prior to July 1, 1848, as a member of the Peters Colony. He is listed as a farmer in the 1850 federal census of Grayson County (family no. 14). Connor, *Peters Colony of Texas*, 198.

us to take our guns and go—myself and Ramey Dye. The reason we did not go to rescue Harper was because a messenger (Essman) told us that there were a great many soldiers in Gainesville and we were then afraid.

Gilbert Smith sworn.

[WITNESS.] I was at the meeting on Wednesday night. Present: Ramey Dye, James Powers, Moses Powers, John Ware, John W. Morris, Dr. Foster, H. J. Esman, Harry Gilman, Arphax Dawson, O. B. Atkinson, and Wm Boyles. We were all ordered to bring our guns. I loaded mine after I got there. I suppose there were twenty-eight men in all.

Our object was to come here, (Gainesville) and rescue the prisoners. Ramey Dye was chosen captain. We concluded to get away when Essman came and reported the number of men in town. We adjourned to meet again the next night and consult what to do. I understood we had spies out. Mr. Welch started up here to see how many men were in town. He was sent by the company. Some men were sent out two or three times to spy out and see if any body approached. Old Man Cochran went over to Red River to see how many members of the order there were over in that section. Snodgrass was there when I arrived. I understood that the signs would protect us when the Northern army came.

Dye was found guilty and hung.

[TRIAL OF D. M. LEFFEL]

THE STATE  
VS.  
D M LEFFEL

DISLOYALTY &  
TREASON

Leffel being arraigned before the Court, pleads guilty and says:

“I was sworn by Wm Boyles, who gave me the signs, grip, and password. I was sworn to support the old Constitution and Union.”

Leffel was connected with the Ramey Dye meeting for the rescue of the prisoners. He was found guilty and hung.

[TRIAL OF JAMES A. WARD AND W. B. TAYLOR]

THE STATE  
VS.  
JAMES A. WARD AND  
W. B. TAYLOR

DISLOYALTY &  
TREASON

On being arraigned before the Court [they] acknowledged their connection with the order—took the oath to support the old Constitution and Union. They gave the Court the signs, grip, and password.

Found guilty, and hung.

[TRIAL OF H. J. ESMAN]

THE STATE  
VS.  
H. J. ESMAN

DISLOYALTY &  
TREASON

Reference in this case is made to the trial of Ramey Dye. He was courier for Capt. Dye, and but for the bold manner in which he performed his wicked task, the Ramey Dye party would doubtless have been captured. He passed through the lines into Gainesville, unmolested, but dreading the risk of encountering the picket on his return, he waited till after dark; then he stripped himself of hat, coat, and boots and crawled a half mile, like the serpent, across the prairie; and escaped the notice of the picket.

Found guilty & hung.



[TRIAL OF W. W. JOHNSON]

THE STATE  
vs.  
W. W. JOHNSON

DISLOYALTY &  
TREASON

The prisoner confessed his connection with the order and gave the signs, grip, and [pass]word; took the oath to support the Old Constitution; was in the meeting at the Steam Mill, called for the purpose of rescuing Harper and others.

Found Guilty, & hung.

[TRIAL OF RICHARD N. MARTIN]

THE STATE  
vs.  
RICHARD N. MARTIN

DISLOYALTY &  
TREASON

I. L. Ozment sworn.

[WITNESS.] R. N. Martin told me that there existed a secret organization in the Country; and if I would go with him, he could take me in an hour where I could learn all about it. I consented to go. He took me to the residence of Wm. Boyles; and after going a short distance from the house Boyles initiated me. He swore me to support the old Constitution and Union. He gave me the signs, grip and password.

Martin was found guilty and after being sentenced confessed his crimes. Upon the scaffold, in the presence of citizens and soldiers, he delivered the following address:

Gentlemen: When I first joined the secret organization, I did not fully understand its objects and intentions. But afterwards I received a document containing its plans. Although I am to die upon this tree, before I am hung I want to tell all I know concerning this order; and I desire it made known to the world.

You commenced the work to break up this secret order in good time. By this time it would have been too late for you. It was our intention to rise up and kill all southern men, women and children and take possession of their property. To the very best of my understanding this was the purpose.

Now, I pray that you will go on with this work, until every member of this order is brought to justice. I can refer you to one whom I desire shall be punished as I am punished; I want him hung to the same limb to which I am hung—my brother-in-law, Wm. Boyles. He is the author of my ruin. I took his counsel, and being a bad man, he gave me bad advice. (Here, he informed the people, where Boyles might be found.) Hunt him to the end of the world, or finish him, for his crimes. I hope I may be forgiven. Although I have injured the people so much I die with the consolation that in the end I done my duty to them.

Here his time expired and he was launched into eternity. Boyles [was later] killed at Collinsville.

[TRIAL OF BARNABAS BIRCH]

THE STATE  
VS.  
BARNABAS BIRCH<sup>64</sup>

DISLOYALTY &  
TREASON

On being arraigned he confessed his guilt, giving the signs, grip, and password. He was a participant in the Ramey Dye meeting. While his trial was pending he addressed the court as follows:

One night recently I had a remarkable dream, which run this way: I thought that the North had overrun and surrounded the South which disheartened me. I could see no way for the South to escape. This dream, with what I heard (of the organization,) determined my course. I further dreamed that the Federals took me prisoner, and an officer gave me some liquor and I drank it; and it proved to be the best liquor I ever drank in my life.

Truly, 'the old men shall see visions, and the young men shall dream dreams.'

Birch was found guilty and hung.

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<sup>64</sup>Barnabas Birch enlisted in the company of volunteers organized at Gainesville, May 23, 1861, by Captain W. C. Twitty. Smith, *First 100 Years in Cooke County*, 31.

[GROUP TRIAL]

THE STATE  
vs.  
CURD GOSS, WM ANDERSON  
JOHN MILLER, AR[PHAX] DAWSON,  
AND M. W. MORRIS.

DISLOYALTY &  
TREASON.

These prisoners all acknowledged their guilt, giving the signs, grip, and password, and were active members of Capt Ramey Dye's company.

All found guilty and hung.

[TRIAL OF DR. JAMES FOSTER]

THE STATE  
vs.  
DR JAMES FOSTER (39)<sup>65</sup>

DISLOYALTY &  
TREASON

Dr. Foster, having been brought before the Court, was after trial ordered back to prison. While passing from the Court room to the prison, he attempted to escape and was shot by the guard. He lived only a few hours.

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<sup>65</sup>Dr. James Foster was one of two physicians tried and condemned to death by the "Citizens Court." He emigrated to Texas from Missouri and was a resident of Grayson County in 1862.



[TRIAL OF A. N. JOHNSON AND JOHN COTTRELL]

THE STATE  
vs.  
A N JOHNSON, AND  
JOHN COTTRELL.

DISLOYALTY &  
TREASON.

The prisoners on being arraigned before the Court desired to be carried to Grayson County for trial. They were accordingly turned over to Capt. James D. Young, Com'g Company, Randolph's Battalion, Partizan Rangers.

Being members of this battalion, they were court martialed together, with Wm. McCool, who had been arrested on charges of treason, and all condemned and hung.

The history of Cottrell, is not a little diversified with adventure and romance. When the "Over Land Mail Route" was established in 1858, one of the employees, Mr Hawley, a genuine down-Easter, moved his family to Gainesville. His family consisted of Mrs Hawley and *her* daughter. These ladies were received in Society, and attracted no small degree of attention. They were evidently accomplished. Doubtless they were handsome, for both herself and daughter were distinguished by the enviable sobriquet, 'the beautiful Mrs Hawley and her pretty daughter.'

Soon after the breaking out of the war, Mr. Hawley fled the Country, going, no doubt, to his native home in the North. The lovely Mrs Hawley was left with no consolation but her wit, and no dowry but her beauty.

It was afterwards ascertained that she was left as a spy, and at the proper time she was to go to Missouri and, *perhaps* rejoin her husband. In the month of July 1862, (the pretty Miss Hawley, having united her destiny with a Mr Johnson in the holy bonds of wedlock,) Cottrell, Mrs Hawley, Johnson and his adored Armarylis set out for Missouri.

The citizens, thinking it improper to give them a passport at that particular time, arrested their movements and lodged Cottrell and Johnson in prison.

Thus was spent the first night after marriage—the bridegroom

in prison and the bride (only such, by virtue of the ceremony) weeping and blushing and wasting much sweetness on the desert air.

Again, just before the arrest of the prisoners on the 1st of Oct., Mrs Hawley attempted to escape north, taking the said Cottrell for her guide and help. This time she started east, sending out the information that she was going to Shreveport, La. How far she succeeded is partly explained by the following statement, of Mr Gilmore, of Gainesville:

I called on an old friend of mine recently in Grayson County, sixteen miles east of Sherman. While there I was asked by the lady if I knew Dr. Cottrell of Gainesville. I told her that I knew a Mr. Cottrell, who was before the Provost Marshal when I saw him last. She then asked me if I knew Mrs. Cottrell, the widow of Mr Hawley, late of Gainesville. I told her that I knew Mrs. Hawley, but that she was not a widow, her husband having left our town on account of his Northern sentiments; and that Mrs. Hawley and Mr. Cottrell had gone to Shreveport.

She then told me that not long since Cottrell called at her house and asked to stay several days with his family—that their youngest child was sick and the family very much fatigued. Mr Cottrell said that he had some business in the Indian Nation and wished them to stay until he returned. That night they demeaned themselves as man and wife, occupying the same room.

Cottrell left the next morning. During the day, Mrs. Hawley took from her trunk a likeness of Dr Cottrell and asked one of the children if she [did] not love her good Papa. The lady of the house remarked that none of the children favored their father.

Mrs Hawley replied that the Doctor was not the father of the children; that she was a widow, and the Doctor a widower; that her husband died in California and the Doctor's wife died in Missouri, and moved to Texas at the beginning of the war; and they were married about three months previous to that time. She said that as soon as times would permit, they intended to go to Missouri. All the children called Cottrell their good Papa. The Doctor did not return. I know the family who related this to me to be highly respectable and their statements worthy of credit.

[signed] John T. Gilmore

Sworn to and subscribed before the undersigned authority, this 19th day of October 1862, at office in Gainesville Texas

Lemuel Gooding  
Clk C. C. C. C.

This story of Cottrell and his wayward paramour was an ingenious fabrication, a lie from beginning to end. Cottrell had a

wife in Cook [*sic*] County and Mrs Hawley a husband in the North. Cottrell only went to Red River to take observations and ascertain, if possible, the most eligible point for crossing the river and escaping detection. In this undertaking he was discovered and arrested; and consequently never had an opportunity to return to his *family*.

William McCool,<sup>66</sup> who was hung with Johnson and Cottrell, was the son-in-law of Henry Fields, who was hung early after the organization of the Court.

Mrs. McCool, the daughter of Fields, is a lady much esteemed for her modesty, beauty and virtuous refinement. She was attached to her husband by the strongest ties of affection. But a short time previous she had secretly abandoned her father's roof, to join her destiny to her bold and determined lover. How sad and melancholly [*sic*] the reflection that she who loved so well could not have loved more wisely. Or, why could he not, 'Taste the honey, and not wound the flower.'

A Mr Floyd who was arrested on the charge of being a member of the organization attempted to escape, and was fired upon and killed by the guard.

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<sup>66</sup>William A. McCool enlisted in Captain W. C. Twitty's company of volunteers at Gainesville on May 23, 1861. *Ibid*.

## [CONCLUSION]

We have now written what we designed to write concerning the proceedings of the "Citizens Court." The Jury as well as all others who were connected with the scenes of that day desired that all the evidence in each case should be published. It is to be regretted that it has not been done.

But it is the opinion of all that a complete transcript from the record of the Court would have been unnecessary to vindicate the course pursued, and would also have made a volume of too large a size for general public notice.

The evidence reveals a plot which, for its magnitude, infamy, treachery, and barbarity, is without a parallel in the annals of crime.

The testimony, while it has satisfied the public of the existence of an organized body of men associated together for the purpose of the overthrow of the government and the destruction of life and property, also justifies the citizens in the course they pursued in bringing the offenders to justice.

It is objected by some that the measures adopted by the citizens were rash, hasty, and unwarranted by any urgent necessity, contending justice would have been meted [*sic*] out to the criminals in due time by due process of law. But we feel assured that those who make this objection have not been advised of the facts as they are now shown to the world.

But still, some will condemn the action of the citizens and jury; but it will be only those who sympathise with the conspirators and who would have given aid and comfort to their infamous designs. The guilt of the conspirators is questioned by none. That they deserved death is granted by all. To have given them time to have matured their plans for the accomplishment of their purposes would have condemned the citizens to eternal infamy. That their designs would very soon have culminated in open acts of violence, bloodshed, robbery and the most wanton licentiousness cannot be denied.

So imminent was the danger of an outbreak that it gave the de-

tectives but little time to mature their plans to discover and round up the "Order."

It is owing to this fact that the full range of this widespread scheme was not ascertained, and more counties than Cook [*sic*] purged of conspirators and traitors.

After the arrests had been made, the prisoners confined to jail, it was ascertained that it was a fundamental element in the order, sustained by solemn oaths, to rescue its members from the authorities when arrested by them. To this information was added the alarming intelligence that meetings were being held at the hour of midnight, attended by many armed men, for the purpose of planning an attack upon Gainesville, and [of] rescuing the prisoners. One of those companies came within a few miles of town; but the prompt and efficient soldiery deterred them from their purpose.

In the mean time, intelligence had been received from adjoining counties that they were alarmingly infected with the same clan of desperadoes [*sic*].

The gallant sons of Cook [*sic*] being in the army, the county was almost destitute of sufficient strength to restore quiet and confidence. Something had to be done and the guilty had to be punished. The proceedings of the Citizens Court are characterized with as much wisdom, justice and moderation as may anywhere be found in the history of criminal procedure.

Out of sixty-eight cases brought before the Court, thirty-nine were condemned and hung and the others turned over to the Provost Marshal, or finally discharged from custody.

A careful examination of the testimony will show that many were implicated who were discharged, indicating the spirit that should prevail with all tribunals: that if error was [to be] committed, they desired it should be on the side of mercy.



## DE LEMERON'S CASE.

It will be seen from the proceedings in this case, tried before the Dist. Court, that the proceedings of the citizens Jury conform to the rules prescribed by the Statutes and laws of the State in the trial of criminal causes before the organized Courts of Justice. It may be clearly seen that the Jury was governed by no testimony which was not held admissible under the strict and guarded rules of evidence [as] known [under] both statute and common law of the land. DeLemeron's case is considered a *mild case* when compared with those upon which the Jury acted.

The proceedings in the case of the State vs. DeLemeron are founded upon the charges contained in the following:

### Bill of Indictment.

THE STATE OF TEXAS  
COUNTY OF COOK [sic]

IN THE DIST. COURT,  
FALL TERM, 1862.

In the name and by the authority of the State of Texas, the Grand Jurors for the County of Cook [sic], duly selected, empanelled, sworn and charged to inquire of offences committed in said County of Cook [sic] and State of Texas, upon their oaths present;

That on the 3rd day of November, in the year of our Lord, One Thousand Eight Hundred and Sixty Two, and long before and continually from thence, an open and public war was, and is yet prosecuted and carried on between the United States of America and the Confederate States of America, our said State of Texas being one of said Confederate States;

to-wit: in the County of Cook [sic] and State aforesaid, that one Joel Francis DeLemeron, a citizen of our said County and State aforesaid, then and there, well-knowing the premises but not regarding the duty of his allegiance, nor having the fear of God in his heart; and being moved and seduced by the instigations of the Devil, as a false traitor to and against our said State, and wholly withdrawing his allegiance, fidelity and obedience, which every true and faithful citizen of our said State should and of right ought to bear toward our said State, and contriving, and with all his strength intending, to aid and assist the said United States, so being an enemy to our said State, as aforesaid, in the prosecution of said war against our said State of Texas,

to wit: On the third day of November and in the year aforesaid, and on numerous other days, before as well as after, with force and arms

in the County and State aforesaid, maliciously and traitorously was adhering to, and aiding and comforting the said United States, being then an enemy to our said State as aforesaid; and that in the prosecution and performance of his treason and traitorous adherings as aforesaid, he, the said Joel Francis DeLameron, was such traitor as aforesaid during the said war; to wit: On the day and year aforesaid, and on many other days, did then and there materially aid the said enemy, and adhere to the same, by consulting, advising, and bearing information, with and to them, the said United States by entering into secret, vile, traitorous [*sic*] and treasonable associations for the overthrow of our said State, and for the destruction of the lives and property of the good citizens, thereof, by drilling, directing and instructing the aforesaid enemy with arts of war,

to wit: in the use of fire arms and other implements of war.

And further in the prosecution, performance and execution of his treasonable and traitorous adherings as aforesaid, the said Joel Francis DeLameron, afterwards and during the said war;

to wit: On the third day of November in the year aforesaid and on divers other days in the County and State aforesaid did adhere to the said enemy of our said State and give them aid and comfort by furnishing said enemy, the United States of America; to wit: horses, bridles, saddles, blankets, guns, ammunition and provisions in large numbers and quantities, and of great value.

The above charged treasonable and traitorous acts are special overt acts of adhering to, aiding and comforting the enemy aforesaid, and are specially so charged, contrary to the Constitution and the Statute in such cases made and provided, and against the peace and dignity of our said State of Texas

Daniel Montague

Foreman, Grand Jury.

W. H. Andrews,

Dist. Attorney.

20th Judicial Dist.

State of Texas.

### Testimony

Dr. George Bradley sworn.

[WITNESS.] On the 30th day of Oct. 1862, I went to the house of Joel F. De Lameron, residing in Cook [*sic*] County Texas, for the purpose of ascertaining the whereabouts of two gentlemen, Ware and Boyles. I found Mr. De Lameron, his wife and another lady in the house. I told them that my name was Miller, brother to the Miller who was executed at Gainesville; and that I was laying a plan to avenge his death.

I told them I had one hundred men in Den. Hollow, and was there trying to find a man by the name of Ware, with his men, as it was my

intention to burn Gainesville on Saturday night and take the principal men who were engaged in the execution of my friends.

He then directed me by a secret path to Mr Ware's house but said it was almost impossible for me to get round Mr. Dister's, his nearest neighbor. I then asked him some questions about Mr. Dister's wealth and his horses. He answered that he was rich and had good horses. His wife requested that I should not take any of his horses, as he was a good neighbor.

De Lemerón said no, that he was French; and Dister [was] Dutch, and they had nothing to do with this family quarrel—that they were *neutrals*. His wife wished me great success and said her husband could do so, too, if he were not afraid. De Lemerón said that he had to *lie low* and say nothing.

He said he had gone to Mrs. Ware's contrary to orders from Southern men, and had repaired her wagon—that he had loaned Mrs. Boyles his horse under the cloak of being hired from the old widow lady living with him, and that he intended to assist them. (Ware and Boyles belonged to the clan, and had ran [*sic*] away, and DeLemerón was assisting their families to get to Missouri).

I then got some men to go with me to Bluff Springs in search of Ware and Boyles. We went to De Lemerón's house that night between midnight and day. He opposed the course of the Southern men in Cook [*sic*] County in bitter language. But he said he had to *lie low* and say nothing; for if a man lived in Rome, he had to do as Romans done: and as he lived in Texas, he had to do, as Texans done. I then remarked to them all that I did not believe DeLemerón would inform on us. He said he would not. His wife then said, "If the truth must come, my husband is as good a Union man as I am a woman—and I am as good as they ever make 'em."

De Lemerón said that he was not so *stuck* with southern men as to obey all calls. When I left, he told me to call at any hour of the night, and I should have what information and provisions I wanted; and if I saw Ware, to tell him he need not be afraid to come to his house at any time, for information or provisions.

On the 31st of Oct. 1862, I went to see John Wisdom and told him what had transpired, and to get some men; and if I possibly could, I would meet him at Mr. Strouds that night. If I could not, for him to go on and sound the Frenchman on his northern principles. On the 1st November, 1862, I met De Lemerón at Mr. Robinson's in company with Messrs Stroud and Wisdom. De Lemerón took me to one side and asked me if that man (pointing to Wisdom) was one of my party. I told him he was. He then said that Wisdom came to his house and represented himself as such, but he thought he might be a Gainesville spy and would give him (Wisdom) no satisfaction. Upon which he took him, De Lemerón, prisoner, for fear he (De Lemerón) would betray him, (Wisdom).

I told him, he might consider him released, as those men were true and faithful Union men.

Wisdom told De Lameron that he had a company and some of his men had no arms, and he desired to get some guns. De Lameron at once offered his gun, shot pouches and ammunition. He then said, that he, with twenty or twenty-five of his neighbors at the head of Elm, were ready last summer to join the order, but no one had ever mentioned it to them—that they were all strong Union men and spoke of coming down in this country to join, as they had heard such a party spoken of. He then said he was willing to go with us to Gainesville and burn it, and take the principal men prisoners, and commit any deprivations we thought advisable.

He spoke of being a good drill officer. I told him he was the very man I wanted, as I was ignorant of military matters. He desired, if we gave any offices, to get the Adjutant's place. Wisdom and myself promised him that office in our Regt. It was then suggested that we should drill some before going into action. Upon which De Lameron proposed to meet us at Mr. Stroud's spring on Sunday night, and for Wisdom and myself to bring our lieutenants, and first sergeants [*sic*], as they would be sufficient.

We met at the time and place appointed and received instructions in the arts of war from De Lameron. He then proposed to muster what strength we could and make our way to the Northern army, then stationed on the North Fork of the Canadian River. He proposed further to go by where Capt. Garrison was, with his men, and if we deemed our united strength sufficient, we would return and avenge our wrongs. If not, pursue our course to the Northern army.

We then agreed to meet again the next night. We met and De Lameron told me he had purchased two horses from Mr. York, to be paid for in Cook [*sic*] County, or State, scrip—that he had borrowed a gun from Mr. Dister under the pretense of guarding the Gainesville and Pilot Point road that night.

De Lameron's advice was to take every man prisoner we met, to go by Col. Bourland's, and if he should be willing, take him along; if not, we will shoot him. I then administered to him the oath to support the Constitution and government of the United States. It was then proposed to drill again, as Capt. Shannon (Wisdom) had not arrived. He then drilled us about two hours.

I then informed him that my name was Bradly, instead of Miller; that I was a southern man, and so were all my men, and that I intended to carry him to Gainesville to be tried before the District Court then in session.

Robt. Wheelock sworn.

[WITNESS.] I met the prisoner at the bar on the 30th day of Oct. last, at Stroud's spring in this County, to lay plans (as he said) for



crossing Red River. I was introduced to him as a friend of De Lameron. He said we must join Capt. Garrison and organize; and if strong enough, to fall upon Texas and go fighting and take what we wanted. He said go by Col. Bourland's, and if we could not make him go with us, he would shoot him down and leave him kicking. Dr. Bradly administered to him the oath to support the old constitution and Union.

He brought with him two horses and one gun, which he exultingly said he had bought from York and paid him in Quartermaster's receipts. He said he could find Capt. Garrison in two or three days; that he was below Bourlands' [bend], on this or the other side of the River.

George Dister sworn.

QUESTION. Do you know the prisoner at the bar?

ANS. I do.

QUESTION. Where did you see him last before meeting him here?

ANS. At his own house, on the 3rd day of Nov. last. He was saddling two ponies and said he had been appointed picket guard on the Gainesville and Pilot Point Road. He asked me for a rifle gun and promised to return it the next morning.

QUESTION. Did he return the gun.

ANS. No; the men who had him in custody returned it to me.

A. H. York sworn.

[WITNESS.] I sold two horses to De Lameron on the 3d day of Nov. last. He told me he was appointed agent by Genl. Hudson to buy property for the government. He promised to come to Gainesville and get a Quartermaster's receipt for the amount the horses were valued at.

J. L. Wisdom sworn.

[WITNESS.] De Lameron told me that after perfecting an organization with Capt. Garrison's men, we would then come back to Gainesville and take it, as it would be a light job—that the plunder of the town was ours already.

Geo. C. Wright sworn.

[WITNESS.] On the night of the first of Oct. 1862, I went down to the Dripping Springs as a scout for the Command at Gainesville. I met Capt. Garrison at the head of a company of armed men. He halted me and said: "Who comes there?" I answered: "Wright," and repeated his inquiry; adding, "is that Capt. Garrison?" He answered in the affirmative and asked what I wanted. I told him I was a police-man, and he knew my business. "Well," said he, "if that is your business here, you had better leave. We have wronged no person or property.



So I want you to leave, and if you desire to get away, you had better go quick." I did leave quickly and reported to the commander at Gainesville.

S. A. Blain sworn.

[WITNESS.] There are persons at large in the vicinity of Red River where Capt. Garrison is reported to be by the prisoner at the bar. Southern men have been ambuscaded and fired upon by them. I have seen such persons; was nearby, in sight, when they fired upon and killed Col. Wm. C. Young of this county. At that time we were hunting the body of James Dixon, who had previously been killed by such persons.

Judge Waddell's Charge to the Jury.

THE STATE OF TEXAS	
VS.	FOR TREASON
JOEL FRANCIS DE LEMERON	

The constitution of the State of Texas defines treason thus: "Treason against the State of Texas shall consist in levying war against it, in adhering to its enemies, giving them aid and comfort."

The Indictment charges; "that on the 3rd day of November, 1862, the accused committed treason against the State of Texas, in the County of Cook [*sic*], by then and there adhering to our enemies, the United States of North America, and furnishing them horses, bridles, saddles, blankets, guns, and ammunition in large quantities, and of great value."

It further charges; "that he then and there joined a treasonable association for the overthrow of the State of Texas." A mere conspiracy, or intention to adhere to the enemy, is not treason—actual adherence must be proved. The Jury will weigh well the evidence in this case, and must be satisfied that the association into which he was sworn was treasonable, and for the overthrow of our State, and that the accused entered it well-knowing that the object of the conspiracy was treasonable, and that he entered it voluntarily, and not by compulsion. The evidence must further satisfy the Jury that the accused actually adhered to our enemies, the United States, and did furnish them the articles specified above, at the time and place specified in the Indictment; and with a traitorous intent. And if you should so believe, from the evidence, you will find him guilty of treason; and if you so find, you will in your verdict also say whether the punishment shall be death, or confinement in the penitentiary for life. If the Jury believe from the evidence that the accused had voluntarily determined to betray the State of Texas, and attempted to get to the enemy with the articles as charged in the Indictment, and was arrested, and by that arrest was prevented from reaching the

enemy, he is as guilty as if he had reached the enemy's lines. The citizens of Texas have the legal right to disguise themselves as the enemies of the country in order to discover the treasonable machination of those whom they may regard as untrue to our government, and it is also, their duty to take such lawful steps. If upon a survey of all the evidence in the case, the Jury have a reasonable doubt as to the guilt of the accused, it is their duty to acquit—the law established maxim being; “it is better that ninety and nine guilty men should escape, than that one innocent man should suffer.”

R. S. Waddell,  
Dist. Judge

### Verdict of the Jury

We, the Jury, find the Defendant guilty, and assess his punishment—confinement in the Penitentiary for life.

I A Moore  
Foreman

Having thus ended our notice of the criminal proceedings against the Conspirators, we will refer to some of the consequences of this wicked conspiracy, against the peace of the State and the lives of its citizens.

Our eyes are at first met by scenes of horror and bloodshed; the commission of crimes unexampled and unsurpassed in the annals of atrocities performed through human agents, make up the record of this organization.

In our first glance at its melancholly [*sic*] results, our hearts at once entwine around the memory of the brave, the generous and lamented Col. Young, who fell at the hands of those who fed at his barn yard and eat at his table.

We are called upon to mourn the death of that noble and useful citizen, James Dixon. We are called to view the horrible deeds of the merciless savage, led on and inspirited in his insatiable thirst for blood by those whom we blindly called friends and patriots. We are called upon to record the death of Bicknell and others at Fort Cobb—the destruction of property and the indiscriminate slaughter, and almost entire extermination of the Tankaway [*sic*] tribe of Indians; the only tribe of the “Reserves” true and loyal to the South.

## DEATH OF JAMES DIXON.<sup>67</sup>

The first victim of this infamous plot was James Dixon. Mr. Dixon was a quiet and peaceable citizen and had taken little or no part in the arrest and trial of the members of the order. After the general arrest had been made, and pending the trial of the prisoners, Mr. Dixon visited his friend on Red River. It was soon proposed to go hunting. When they had reached the river bottom, they discovered a man in the edge of the timber, whose strange conduct attracted their attention. They approached the swamp and (the man having concealed himself) began a search.

Immediately they were fired upon by a body of men in ambush, and Dixon fell from his horse, mortally wounded.

His friend made his escape, and soon obtained sufficient strength to recover the body of Dixon. When he returned with his neighbors, Dixon was dead. He had evidently received some attention at the hands of his murderers—perhaps died under the sting of their insults and wicked menaces and execrations.

He had been removed from the spot where he fell and placed in the shade of a swamp oak, his hat placed over his face; and other circumstances plainly indicated the presence of the murderers at the site of the dying man.

His wife, so highly esteemed for her many virtues and exemplary and Christian character, became a prey to inconsolable grief and died with a broken heart soon after the murder of her husband.

## Death of Col Young<sup>68</sup>

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<sup>67</sup>James [M.?] Dixon was born in North Carolina in 1826 and migrated after 1850 to Cooke County, Texas, by way of Missouri. U. S. Eighth Census, 1860 (Returns of Schedule 1, Free Inhabitants, for Cooke County, Texas, microfilm, Dallas Public Library), family no. 32.

<sup>68</sup>With this heading on the last extant page of his manuscript, George W. Diamond indicated his intention to include a recapitulation of the circumstances of the death of W. C. Young, as he had of the death of James Dixon. If Diamond wrote such an addendum, it has not been discovered among his papers, or elsewhere.



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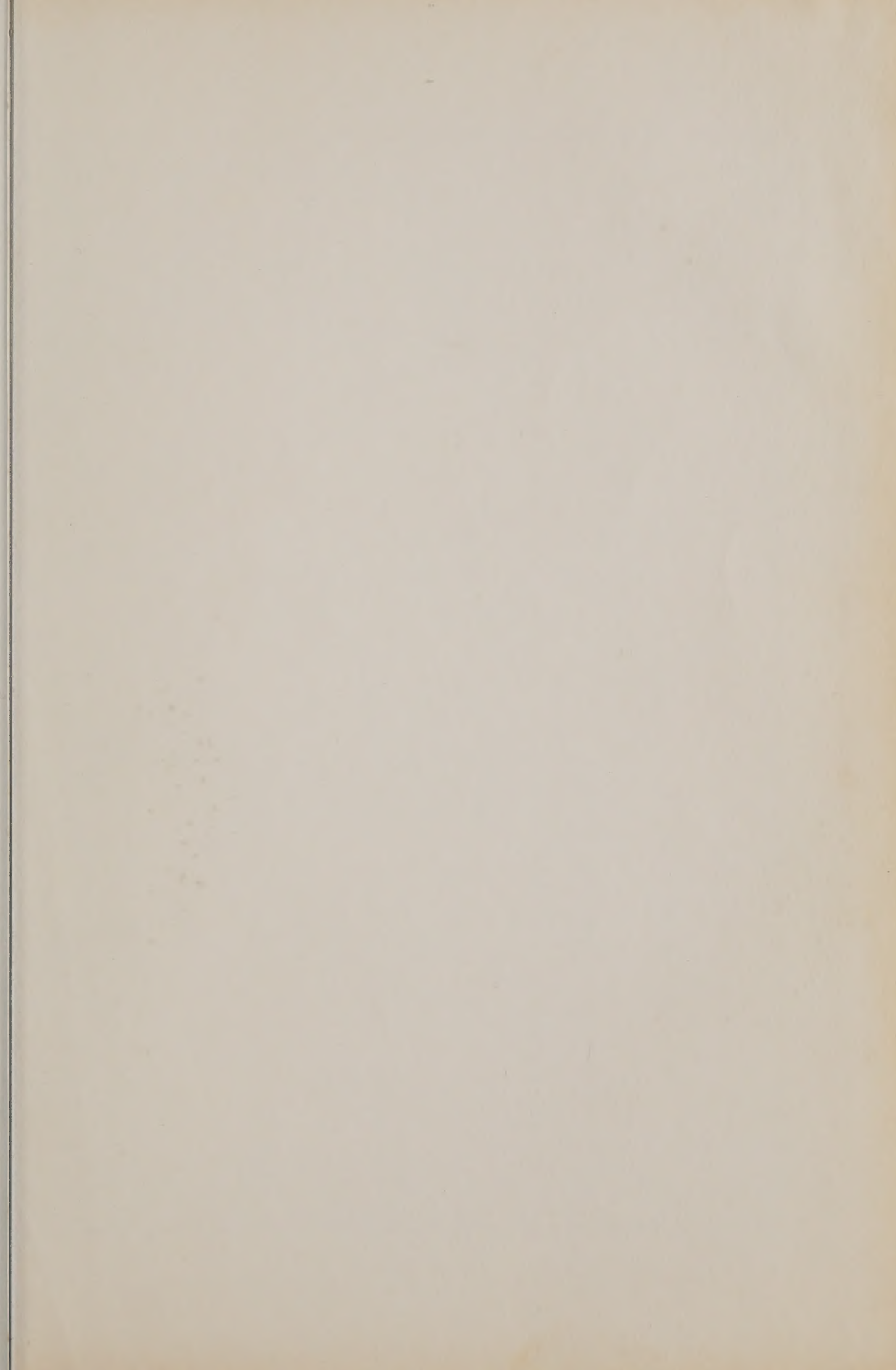
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